

REPORT III
(PART I)

International Labour Conference

FIFTIETH SESSION
GENEVA, 1966

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
International Labour Office
1966

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

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INTRODUCTION

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

The present summary, which covers the period from 1 July 1963 to 30 June 1965, 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 of workers covered, results of inspection, etc.) and on changes of minor importance

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.

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

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

In accordance with the practice followed in recent years, the summaries of reports on the application of Conventions in non-metropolitan territories are printed in a separate section, following that concerning metropolitan countries. As indicated above, these reports cover a period ending on 30 June 1965.

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 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 1966. 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 1966.

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, 48th Session, Geneva, 1964; *Record of Proceedings* (Geneva, I.L.O., 1965); or *idem*, 49th Session, Geneva, 1965, *Record of Proceedings* (Geneva, I.L.O., 1966).

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	Countries	Ratification registered on
Argentina	30. 11. 1933	Italy ¹	6. 10. 1924
Austria ¹	12. 6. 1924	Kuwait	21. 9. 1961
Belgium	6. 9. 1926	Luxembourg	16. 4. 1928
Bulgaria	14. 2. 1922	New Zealand	29. 3. 1938
Burma	14. 7. 1921	Nicaragua	12. 4. 1934
Canada	21. 3. 1935	Pakistan	14. 7. 1921
Chile	15. 9. 1925	Peru	8. 11. 1945
Colombia	20. 6. 1933	Portugal	3. 7. 1928
Cuba	20. 9. 1934	Rumania	13. 6. 1921
Czechoslovakia	24. 8. 1921	Spain	22. 2. 1929
Dominican Republic	4. 2. 1933	Syrian Arab Republic	10. 5. 1960
France ¹	2. 6. 1927	United Arab Republic	10. 5. 1960
Greece	19. 11. 1920	Uruguay	6. 6. 1933
Haiti	31. 3. 1952	Venezuela	20. 11. 1944
India	14. 7. 1921		
Iraq	24. 8. 1965		
Israel	26. 6. 1951		

¹ Conditional ratification.

BELGIUM

- Act of 15 July 1964 respecting hours of work in the public and private sectors of the national economy (*Moniteur belge (M.b.)*, 29 July 1964) (*L.S.*, 1964—Bel. 2).
- Royal Order of 29 January 1965 to appoint officials and agents to supervise the enforcement of the Act of 15 July 1964 respecting hours of work in the public and private sectors of the national economy and orders issued thereunder (*M.b.*, 2 Feb. 1965).
- Royal Order of 10 February 1965 to designate persons holding a management or confidential post in the private and public sectors of the national economy for the enforcement of the Act respecting hours of work (*M.b.*, 12 Feb. 1965).
- Royal Order of 25 February 1965: (a) issued under the Act of 15 July 1964 respecting hours of work in the public and private sectors of the national economy; (b) making compulsory the decision of 21 January 1965 of the National Joint Committee for the Inland Water Transport Industry to establish certain particular working conditions (*M.b.*, 2 Mar. 1965).
- Royal Order of 25 February 1965 to provide exceptions in respect of the petroleum industries and trades to the provisions of the Act of 15 July 1964 respecting hours of work in the public and private sectors of the national economy (*M.b.*, 27 Feb. 1965).
- Royal Order of 5 March 1965 to determine hours of work for persons engaged in inland water transport (*M.b.*, 9 Mar. 1965).
- Royal Order of 12 April 1965 to determine hours of work in undertakings or divisions of undertakings in the textile industry where finishing work is carried on (*M.b.*, 12 May 1965).
- Royal Order of 12 April 1965: (a) issued under the Act of 6 July 1964 respecting Sunday rest and the Act of 15 July 1964 respecting hours of work in the public and private sectors of the national economy; (b) making compulsory the decision of 26 March 1965 of the National Joint Committee for the Textile and Knitted Goods Industry (*M.b.*, 12 May 1965).

Royal Order of 21 June 1965 to determine hours of work for workmen employed by undertakings engaged in the cleaning of buildings (*M.b.*, 3 July 1965).

Royal Order of 30 June 1965 respecting hours of work for salaried employees of laboratories where photographic film is developed and printed (*M.b.*, 13 July 1965).

The new Act of 15 July 1964, which repealed that of 14 June 1921, has a broader scope and reduces the maximum working week from 48 to 45 hours, without reduction of pay. This maximum may be further reduced by a decision taken by one of the joint committees.

The rules for exemption are simplified. Overtime pay is due not only when the working day but also when the working week is exceeded.

Furthermore, several decisions taken by various joint committees and a number of collective agreements have reduced hours of work.

CZECHOSLOVAKIA

Labour Code, Act No. 65 of 16 June 1965 (*Sbirka Zákonů* (S.Z.), 30 June 1965, No. 32) (*L.S.* 1965—Cz. 1). Government Ordinance No. 66 of 23 June 1965 to apply the Code (S.Z., 30 June 1965, No. 32).

In reply to an observation made by the Committee of Experts in 1965, the Government has supplied the following information.

The Labour Code came into force on 1 January 1966. By virtue of section 279, paragraph 1, all former legal provisions regulating hours of work are repealed and only those relating to certain categories of employees and establishing hours of work more favourable than those contemplated under section 83 of the Labour Code remain in force.

Article 1 of the Convention. The provisions of the Labour Code refer to all workers who are party to a work relationship not only in industry but in all the branches of the national economy (sections 1 to 7 of the Code), with the exception of co-operatives, unless the Code and special provisions otherwise establish.

Article 2. Sections 83 and 84 of the Code stipulate, respectively, that the working week must not be longer than 46 hours and that the working day must not be longer than eight hours (or nine hours if less than eight hours are worked on certain days of the week).

Articles 3, 4 and 6. Section 98 directs the ministers and appropriate central administrative bodies, after consultations with the central trade union committee concerned, to issue directives relating to overtime work, under the conditions laid down in section 97 of the Code. Paragraph 1 of that section provides that overtime may be ordered only in exceptional cases and when the public interest urgently requires it. Paragraph 2 stipulates that no worker may work more than four hours' overtime per two normal working days, or eight hours per week. In the case of processes to be carried on continuously, paragraph 2 sets the maximum average duration of work, including overtime, at 56 hours a week. Paragraph 3 sets the limit for overtime work at 150 hours per worker per year. In exceptional cases, and where sufficient justification exists, this limit may be increased to 180 hours a year, subject to special authorisation from the competent ministries or from the appropriate central body, after consultation with the central trade union committee concerned. To exceed this further limit of 180 hours a year, special government authorisation is required, after consultation with the Central Council of Trade Unions.

The salary scale for overtime work is regulated by section 116 of the Code: 25 per cent. for overtime in general and 50 per cent. for overtime work done at night or on days of the week set aside for rest.

Article 5. Section 85 of the Code stipulates that in cases where the nature of the work or conditions of service make it impossible for regular weekly hours to be observed, they may be distributed differently, provided that they do not exceed 46 hours a week on an average during a given period.

NICARAGUA

In reply to observations and requests made by the Committee of Experts, the Government has forwarded the following information.

The amendments proposed to sections 168 and 169 of the Labour Code provide that the average number of working hours of all workers connected with road transport may not exceed 48 during a period of three weeks. Section 56 as amended would give effect to Article 3 of the Convention. Sections 170 and 74 regulate extra hours worked in conformity with Article 6 of the Convention.

Additions to section 15 of the Code have been proposed in order to comply with the provisions of clauses (a), (b) and (c) of paragraph 1 of Article 8 of the Convention.

SPAIN

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

Order of 30 November 1957 to approve territorial labour regulations for Spanish West Africa (*B.O.E.*, 12 Dec. 1957, No. 310).

Order of 24 May 1962 to approve the regulations governing contracts of employment in the equatorial region (*B.O.E.*, 5 June 1962, No. 134).

Provinces of Ifni and Sahara.

Section 49 of the order of 2 March 1954 refers exclusively to the specialised worker, but up to the present no undertaking has requested authorisation to extend the working day.

Section 32 of the order of 30 November 1957 provides for the application of the National Labour Regulations in the peninsula, always provided that this is compatible with the local conditions in the African territories. In the case of inland transport, where distances travelled are great, drivers rest at intermediate points on the route and are off duty for 24 consecutive hours before making the return journey.

Sections 45, 69 and 70 of the order of 2 March 1954 are to be interpreted in accordance with the provisions of general legislation, as understood in section 71 of the said order, which establishes the right to draw full wages in respect of the weekly day of rest. Furthermore, authorisation to work overtime may only be granted provisionally and in case of necessity; the limit of 50 hours per month and 120 hours per year, or, in really urgent cases, 240 hours per year, may not be exceeded in any case (section 48 of the above-mentioned order). Overtime is remunerated by an increase in salary of 25 per cent. for the first two hours, and 40 per cent. for the remaining hours and hours worked at night or on Sundays. In the case of women every extra hour must be remunerated by an increase of 50 per cent. and her total working day may never exceed ten hours. In the Sahara, however, overtime is not worked.

Paragraph 1 of Article 8 of the Convention is applied in accordance with the provisions of general legislation under section 32 of the above-mentioned order. Hours of work must be displayed in visible places on the premises of the undertaking after being authorised by the competent authorities.

Provinces of Fernando Poo and Río Muni.

The Ministry of Labour has approved two special regulations for banks which operate throughout the country and the statutory hours of work are required to be applied in them. There are no further reasons justifying the exception envisaged in clause (f) of section 3 of the order of 24 May 1962.

Sections 52 and 53 of the above-mentioned order have the function of protecting and not of prejudicing workers, inasmuch as they are of a restrictive character.

General legislation is applied since no special provisions exist in this respect. The observations made by the Committee of Experts will be taken into account when section 48 of the above-mentioned order is amended.

Overtime is subject to thorough control and is required to be remunerated by an appropriate increase in pay.

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	Luxembourg	16. 4. 1928
Austria	12. 6. 1924	Malta	4. 1. 1965
Belgium	25. 8. 1930	Morocco	14. 10. 1960
Bulgaria ¹	14. 2. 1922	Netherlands	6. 2. 1932
Burma	14. 7. 1921	New Zealand	29. 3. 1938
Central African Republic	9. 6. 1964	Nicaragua	12. 4. 1934
Chile	31. 5. 1933	Norway	23. 11. 1921
Colombia	20. 6. 1933	Poland	21. 6. 1924
Cyprus	8. 10. 1965	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		

¹ Has denounced this Convention.

AUSTRIA

In reply to an observation made by the Committee of Experts in 1964 regarding Article 2, paragraph 2, of the Convention, the Government has supplied the following information.

The Placement Bill was submitted to the Council of Ministers on 17 November 1964. It makes the public authorities responsible for the creation of a comprehensive, co-ordinated system of public employment offices operating under the supervision of a central authority on a non-fee-charging basis. The establishment of such a system of public placement offices and co-operation with any private non-profit placement offices, as required by the Convention, means that authorisation is needed for any placement activities by any party other than the employment administration.

CENTRAL AFRICAN REPUBLIC (First Report)

Constitution, as revised by Act No. 64-37 of 26 November 1964 (*Journal officiel de la République centrafricaine (J.o.R.c.)*, 1 Jan. 1965, No. 1, p. 23).

Labour Code, Act. No. 61-221 of 2 June 1961 (*J.o.R.c.*, Aug. 1961, Extraordinary) (Title VII, Ch. 6, sections 174 to 178).

Decree No. 63-196 of 12 July 1963 setting up the National Manpower Office in application of section 174 of the Labour Code. This decree repealed all the regulations issued previously under the Act of 15 December 1952 establishing a Labour Code in the Overseas Territories, including General Order No. 4095 of 26 December 1953 respecting the general organisation of manpower offices in Equatorial Africa.

Decree No. 64-336 of 13 November 1964 respecting the compulsory notification of movements of workers (*J.o.R.c.*, 15 Dec. 1964, p. 707).

Article 1 of the Convention. Section 3 of Decree No. 63-196 stipulates that the National Manpower Office shall be responsible for compiling and analysing all available information respecting the employment situation and probable trends therein and placing this information at the disposal of the public authorities, the employers' organisations and the public.

Article 2, paragraph 1. There are at present four employment exchanges. The National Manpower Office is placed under the authority of the Ministry of Labour and its board includes representatives of the employers' and workers' organisations.

Paragraph 2. There are no private employment exchanges.

Article 3. There is as yet no unemployment insurance scheme.

The application of the provisions of the Convention is entrusted to the Ministry of Labour, the labour and social security inspectors, the labour courts and the prefects and sub-prefects.

GREECE

The observations of employers' and workers' organisations are submitted to the appropriate offices in the Ministry of Labour. Workers' organisations have asked for the requirements for entitlement to unemployment insurance to be revised and for special unemployment allowances to be paid to seasonal workers, exceeding the allowances fixed in conformity with the Unemployment Benefit Act or under even more favourable conditions. With regard to placement, they have requested that priority should be given to their members, without taking into account unemployed workers who are not organised. The employers' organisations insist that workers should not be placed through the intermediary of employment agencies, and that the employer should have the right to choose freely the workers whom he needs.

IRELAND

Social Welfare (Nothorn Ireland Reciprocal Arrangements) Order, 1964.

In reply to a direct request made by the Committee of Experts in 1964, the Government has indicated that the Manpower Advisory Committee will be set up in the near future.

NICARAGUA

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

A draft amendment of section 12 of the Labour Code envisages the creation of the advisory committees required by Article 2, paragraph 1, of the Convention; fee-charging employment agencies are prohibited.

POLAND

Ordinance No. 20 of 20 March 1965 of the President of the Council of Ministers respecting the guaranteeing of a supply of labour for socialised workplaces for the years 1965-66.

Circular No. 10 of 24 April 1965 of the Chairman of the Labour and Wages Committee respecting meeting the requirements of workplaces for labour in the years 1965-66.

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

The exclusion from the placement system of teachers, scientists, medical practitioners, performers and other categories of salaried employees, as evidenced in instruction No. 23 of 1 June 1962 of the Chairman of the Labour and Wages Committee, is due primarily to the fact that the occupations affected are those where the demand is always greater than the number of persons seeking employment or that

institutions are involved whose employees have to satisfy special requirements. Workers in these categories are placed by direct arrangement between the workplace concerned and the applicant for a particular job—for example, through the intermediary of vocational schools, high schools, students' organisations, appropriate bodies attached to the praesidia of the national councils or through the appropriate trade unions. This does not mean, however, that the employment agencies refuse to help persons in these categories who apply to them for a job.

RUMANIA

Constitution of 21 August 1965 (*Buletinul Oficial*, 21 Aug. 1965, No. 1, p. 1).

SPAIN

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

The authorities are considering the forms in which unemployment insurance may be introduced in the African provinces. There are no private employment agencies in these territories.

An employment office operates in the territory of West Africa as an organ of the Government; the provisions under which it works are the same as in the rest of the national territory. In Ifni public and private undertakings give notice in advance of any interruption of work affecting their temporary workers, and the employment officers, in agreement with the public authorities, develop public works projects in order to remedy problems of seasonal unemployment.

SUDAN

An amendment to the Employment Exchanges Ordinance, 1965, has been submitted to the Council of Ministers to enable employment exchanges to register applications from all persons seeking employment.

A memorandum concerning the establishment of a Manpower Council, composed of representatives of the Government and of employers' and workers' organisations, is to be submitted to the competent authorities.

SYRIAN ARAB REPUBLIC

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

Article 1 of the Convention. At present no precise and global statistics exist; there are available only those data which result from on-the-spot inquiries regarding manpower. Certain economic projects have been initiated with a view to combating unemployment.

Article 2. Apprenticeship centres have been set up in Aleppo and Damascus; the creation of these technical bodies is considered to be a step towards the establishment of effective advisory committees as envisaged by the Government.

UNITED KINGDOM

National Insurance and Industrial Injuries (Reciprocal Agreement with the Republic of Ireland) Order (Northern Ireland), 1964 (*Statutory Rules and Orders (S.R. and O.)*, 1964, No. 142).
National Insurance and Industrial Injuries (Guernsey) Order, 1965 (*Statutory Instruments (S.I.)*, 1965, No. 1130).

National Insurance and Industrial Injuries (Reciprocal Agreement with Guernsey) Order (Northern Ireland), 1965 (*S.R. and O.*, 1965 No. 173).

* * *

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, Burma, Central African Republic, Chile, Denmark, Federal Republic of Germany, Finland, Greece, Ireland, Italy, Japan, Kenya, Luxembourg, Malta, Morocco, Nicaragua, Norway, New Zealand, Netherlands, Poland, Rumania, Spain, Sweden, Switzerland, Sudan, Syrian Arab Republic, Turkey, United Arab Republic, United Kingdom, Yugoslavia.

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

France, Hungary.

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.

CENTRAL AFRICAN REPUBLIC (First Report)

Constitution, as revised by Act No. 64-37 of 26 November 1964 (*Journal officiel de la République centrafricaine (J.o.R.c.)*, 1 Jan. 1965, No. 1, p. 23).

Labour Code, Act No. 61-221 of 2 June 1961 (*J.o.R.c.*, Aug. 1961, Extraordinary).

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 the revised Constitution of the Central African Republic ratified international Conventions have the force of national law.

Article 1 of the Convention. The regulations in force apply to all commercial, industrial and agricultural establishments.

Article 2. The Labour Code is applicable without distinction to all women employees.

Article 3. A woman employee is not permitted to work during the six weeks following her confinement.

Any pregnant woman whose pregnancy has been medically certified or who is manifestly pregnant may leave work without warning and without being obliged to pay damages. She is entitled to take leave from work for 14 consecutive weeks, including six weeks after confinement. During these 14 weeks of absence from work she is entitled to free medical attendance, half the wages which she was earning when she left her work, and any benefits in kind. No mistake on the part of the medical adviser in estimating the date of confinement may preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place.

For a period of 15 months following the birth of the child the mother is entitled to nursing breaks amounting to one hour per day.

Article 4. The employer is not entitled to dismiss the woman during the 14-week maternity leave period.

The application of the national legislation is entrusted to the Ministry of Labour, the labour, manpower and social security inspectors and supervisory officers, the labour courts and the prefects and sub-prefects.

CHILE

Act No. 16317 of 29 September 1965 to amend sections 162 and 315 of the Labour Code.

In reply to a request made by the Committee of Experts, the Government has stated that the above-mentioned Act amended the Labour Code so as to extend its scope, with regard to the rest period for nursing, to female salaried employees,

With regard to the application of the Convention to women workers who have not completed the minimum working period required by the Act respecting compulsory insurance, the Government has indicated that such workers are not entitled to benefit under the Act, but that the question will be submitted to the competent authority so that steps may be taken to remedy this situation.

FEDERAL REPUBLIC OF GERMANY

Act of 24 August 1965 (which entered into force on 1 January 1966) to amend the Act of 24 January 1952 respecting maternity protection and the Federal Insurance Code (*Bundesgesetzblatt*, Part I, 27 Aug. 1965, No. 42, p. 912).

In reply to observations made by the Committee of Experts, the Government has provided the following information in connection with Article 3, clauses (c) and (d), of the Convention.

According to sub-section (1) of section 13 of the Act of 1952 as amended, women covered by the Act are entitled to maternity benefits under the Federal Insurance Code; according to sub-section (2) of section 13 of the Act as amended, the federal authorities, under section 200 (d) of the Federal Insurance Code, shall reimburse the insurance funds with the amounts paid out as benefits on these grounds. Section 7 of the Act provides for two half-hour interruptions of the working day, or for one interruption lasting one hour, for the purpose of nursing.

As regards the subject-matter of Article 4 of the Convention, the new Act does not alter section 9 of the Act of 1952, which does not prohibit so completely the dismissal of women as the Convention.

NICARAGUA

In reply to an observation made by the Committee of Experts, the Government has provided the following information.

Article 3 of the Convention. As regards the exception in favour of undertakings "in which only members of the same family are employed", Nicaraguan law is stricter, since it permits the exclusion of the spouse, father, mother and children of an employer from compulsory insurance only in the case of unremunerated work within the family. While the Convention bases itself on a certain degree of relationship in permitting an exception, national legislation in this respect is based on the question of remuneration, which is the essential factor in the calculation of insurance premiums. Hence undertakings in which only members of the same family are employed are not excluded from the relevant provisions in Nicaragua unless it is a case of unpaid family work; in all other cases, members of the family are covered by the social security scheme.

Clause (a). Although the Labour Code originally established, in section 129, a six weeks' rest period both before and after childbirth, the provision was modified to the disadvantage of working women by article 95, paragraph 10, of the Constitution, which reduced the rest period to 20 days before and 40 days after childbirth. It is quite possible that a Bill will be submitted to the National Congress with a view to amending this part of the Constitution so as to increase the prenatal and the post-natal rest periods to six weeks each, in accordance with the provisions of the Convention.

Moreover, the draft legislation to amend the Labour Code provides for half-an-hour's rest twice a day for the purpose of nursing and for the prolongation of the prenatal rest period if childbirth takes place later than the expected date, without the postnatal period of six weeks being affected in consequence. This last provision is already in force for women entitled to social security benefits under rule 77 of the general regulations of the National Social Security Institute.

Clause (c). Pending the amendments referred to above and the extension of the social security scheme to the whole of the national territory, working women who are not covered by welfare insurance are in any case assured of the same rest periods and remuneration as insured women. Section 42 of the Social Security Act provides for the scheme to be extended in successive stages to all areas of the country.

Maternity benefits include obstetrical, medical and surgical assistance, hospitalisation, dental care, the supply of all necessary pharmaceutical products, a maternity allowance in cash, a nursing allowance in kind or in cash, a complete layette and medical attention for the infant, including special pædiatric assistance. Entitlement to these benefits is not restricted to working women but also extends to the wives or persons living as the wife of insured persons.

Article 4. Section 130 of the Labour Code expressly prohibits employers from dismissing a woman worker because she is pregnant or nursing and in order to dismiss her on other grounds during that period (as provided for under section 119 of the Code) they must obtain the prior consent of the inspectorate of labour. The possibility of dismissing a woman during the period of her absence from work because of pregnancy, where there is a justified cause, is not contrary to either the spirit or the letter of the Convention as the latter is aimed at securing employment stability for women. The grounds specified under section 119 of the Code relate to unlawful situations which not only may not be protected by the law but may give rise to penal proceedings.

RUMANIA

Decision No. 880 of 20 August 1965 of the Council of Ministers and the Central Council of Trade Unions respecting the granting of allowances under the social insurance scheme (*Colecția*, No. 33, 20 Aug. 1965).

In reply to requests made by the Committee of Experts, the Government has stated that the above-mentioned decision includes a section on maternity allowances, and that these allowances are not subject to any qualifying period. The decision also lays down that the contract of employment of a woman employee on maternity leave may not be terminated by the employer.

* * *

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, Venezuela.

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 ¹	20. 6. 1961
Brazil ¹	26. 4. 1934	Morocco	13. 6. 1956
Bulgaria ¹	14. 2. 1922	Netherlands ¹	4. 9. 1922
Burma ¹	14. 7. 1921	Nicaragua	12. 4. 1934
Burundi	11. 3. 1963	Niger	27. 2. 1961
Cameroon (Eastern Cameroon)	7. 6. 1960	Pakistan	14. 7. 1921
Central African Republic	27. 10. 1960	Peru	8. 11. 1945
Ceylon ¹	8. 10. 1951	Portugal	10. 5. 1932
Chad	10. 11. 1960	Rumania ¹	13. 6. 1921
Chile	8. 10. 1931	Rwanda	18. 9. 1962
Colombia	20. 6. 1933	Senegal	4. 11. 1960
Congo (Brazzaville)	10. 11. 1960	Republic of South Africa ¹	1. 11. 1921
Congo (Leopoldville)	20. 9. 1960	Spain	29. 9. 1932
Cuba	6. 8. 1928	Switzerland ¹	9. 10. 1922
Czechoslovakia ¹	24. 8. 1921	Togo	7. 6. 1960
Dahomey	12. 12. 1960	Tunisia	15. 5. 1957
France ¹	14. 5. 1925	United Kingdom ¹	14. 7. 1921
Gabon	14. 10. 1960	Upper Volta	21. 11. 1960
Greece ¹	19. 11. 1920	Uruguay ¹	6. 6. 1933
Guinea	21. 1. 1959	Venezuela ¹	7. 3. 1933
Hungary ¹	19. 4. 1928	Viet-Nam ¹	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).

CHAD

In reply to a direct request made by the Committee of Experts, the Government has indicated that section 3, paragraph 2, of Order No. 3759 of 25 November 1954 will be repealed by the regulations to be issued following the adoption of a new Labour Code.

CONGO (BRAZZAVILLE)

In reply to a direct request made by the Committee of Experts in 1964, the Government has indicated that it will shortly ratify Convention No. 89 and denounce Convention No. 4.

GUINEA

In reply to an observation made by the Committee of Experts in 1965, the Government has indicated that, under section 146 of the Labour Code, night work performed by women and children in industry is governed by the provisions of Conventions Nos. 89 and 90. Formal notification of the ratification of these Conventions will shortly be made to the I.L.O.

PORTUGAL

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

Portuguese Guinea.

The existing prohibition of night work by women covers the period between 6 p.m. and 6 a.m.; only domestic work is excluded from this prohibition. Permission to employ women under section 7 (1) of Legislative Decree No. 1509 of 1951 has not been sought.

San Tomé and Príncipe.

Section 1 of Order No. 2541 of 23 March 1958 forbids the employment of women and young persons by night between 10 p.m. and 6 a.m.; the discrepancy between this provision and the requirements of the Convention will be removed in the new Labour Code to be published shortly.

Macao.

No undertakings exist which employ women by night.

Timor.

Undertakings do not employ women by night; the draft Labour Code to be submitted to the next session of the Legislative Council reproduces the provisions of the Convention.

Angola.

Legislative Decree No. 2887 of 5 June 1957 prohibits night work by women and young persons but it does not appear to require a nightly rest of not less than 11 consecutive hours.

Since, however, the working day does not generally exceed eight hours, the 11-hour consecutive rest period is in fact observed. Furthermore, section 90, read in conjunction with all the provisions of section 83 of the decree, provides for a continuous rest period of more than 11 hours.

As regards the employment of young persons, section 2 of Order No. 9934 of 23 October 1957 prohibits night work for persons under 15 years before 7 a.m. and after 8 p.m., and for persons under 18 years before 7 a.m. and after 9 p.m.

Although the eight-hour working day applies in the case of persons under 18 years, steps are being taken to amend the Angola Labour Code. Workers' and employers' representatives have already approved the proposal regarding night work by women made by the Labour Social Security and Social Welfare Institute of Angola and aimed at introducing, under section 132 of the Code, the principle of a minimum continuous rest period of 11 hours for women and young persons.

The proposed text does not exempt women engaged in intellectual pursuits or managerial functions from the prohibition concerning night work as is the case under section 90 of the legislative decree.

As regards night work by young persons if necessary to prevent materials from deteriorating, section 83 (1) of Legislative Decree No. 2827 should be read in conjunction with section 2 of Order No. 9934, under which no exceptions are authorised. In pursuance of section 92 of the Angola Labour Code, the Governor-General has forbidden the employment of persons under 15 years before 7 a.m. and after 8 p.m. and the employment of persons under 18 years before 7 a.m. and after 9 p.m.

Mozambique.

Under sections 30 and 90 of Legislative Decree No. 1595 of 28 April 1956 women and young persons under the age of 18 may not work, except in cases specifically permitted by the Governor-General, in any establishment before 6 a.m. or after 6.30 p.m. Therefore, the nightly rest is not less than 12½ hours. Under section 92 the Governor-General may authorise exceptions in respect of young persons under

the age of 15 which are not limited to those laid down in Article 4 of the Convention concerning cases of *force majeure* and emergencies. However, no industrial establishment has in practice made use of this section. According to the labour inspectorate there have been no cases in which women or young persons under the age of 18 have been compelled by their employers to work in industrial establishments before 6 a.m. or after 6.30 p.m.

The terms of the Convention will, however, be borne in mind when Legislative Decree No. 1595 is revised.

RWANDA

In reply to a direct request made by the Committee of Experts, the Government has indicated in its report that it is unable to supply precise information, since the draft Labour Code already approved by the Council of Ministers is now under consideration by the Bureau of the National Assembly. Rwanda will very soon have a Labour Code, and intensive work is currently in progress on orders for its implementation.

SPAIN

In reply to a direct request made by the Committee of Experts in 1964 regarding the application of the Convention in the African provinces of Spain, the Government has provided the following information.

In Equatorial Guinea, since there are no industrial undertakings in which women work by night, the question of the application of the Convention does not arise. The National Labour Regulations are applicable to Sahara by virtue of section 32 of the order of 30 November 1957. In Ifni, however, no private or public industrial undertakings employ women at night. Should any need to employ women at night arise, the general legislation would apply.

TUNISIA

In reply to a request made by the Committee of Experts in 1964, the Government has indicated in its report that exemption from the night work prohibition imposed in respect of women employed in industry may be authorised in accordance with the relevant provisions of section 4 of the decree of 14 March 1964 by means of implementing orders. Since, however, no such orders have been issued these provisions should be regarded as obsolete. The Government therefore does not deem it necessary to denounce Convention No. 4.

* * *

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

Austria, Central African Republic, Chad, Chile, Congo (Brazzaville), Gabon, Guinea, Italy, Nicaragua, Niger, Rwanda, Spain, Tunisia.

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

Argentina, Cameroon (Eastern Cameroon), Congo (Leopoldville), Cuba, Czechoslovakia, India, Ivory Coast, Luxembourg, Malagasy Republic, Mali, Mauritania, Morocco, Pakistan, Peru, Togo, Upper Volta.

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	Kenya	13. 1. 1964
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Austria	26. 2. 1936	Malagasy Republic	1. 11. 1960
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	Singapore	25. 10. 1965
Czechoslovakia	24. 8. 1921	Spain	29. 9. 1932
Dahomey	12. 12. 1960	Switzerland	9. 10. 1922
Denmark	4. 1. 1923	Tanzania (Zanzibar)	22. 6. 1964
Dominican Republic	4. 2. 1933	Togo	7. 6. 1960
France	29. 4. 1939	Uganda	4. 6. 1963
Gabon	14. 10. 1960	United Kingdom	14. 7. 1921
Greece	19. 11. 1920	Upper Volta	21. 11. 1960
Guinea	21. 1. 1959	Uruguay ¹	6. 6. 1933
Haiti	12. 4. 1957	Venezuela	20. 11. 1944
India	9. 9. 1955	Viet-Nam	6. 6. 1953
Ireland	4. 9. 1925	Yugoslavia	1. 4. 1927
Israel	23. 12. 1953	Zambia	2. 12. 1964
Ivory Coast	21. 11. 1960		
Japan	7. 8. 1926		

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

SENEGAL

Labour Code, Act No. 61-34 of 15 June 1961 (*Journal officiel de la République du Sénégal (J.o.R.S.)*, 3 July 1961, No. 3462, Extraordinary) (*L.S.* 1962—Sen. 2 B) (section 140).

Order No. 30724/IT of 22 June 1954 (sections 193 and 194).

Decree No. 62-017 PG/MFPT/DGTSS/TMO of 22 January 1962 concerning infringements of the provisions of the Labour Code and of the implementing regulations (*J.o.R.S.*, 10 Feb. 1962).

Circular from the Director of Labour to the regional labour and social security inspectors concerning the registration ledger (Letter No. 628 DTSS of 25 August 1965).

* * *

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

Bolivia, Dominican Republic, India, Mali.

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.

CHILE

Act No. 16311 of 29 September 1965.

Article 2 of the Convention. In reply to observations made by the Committee of Experts, the Government has stated in its report that, under the above-mentioned Act, the prohibition of night work has been extended to cover all young persons in industrial undertakings.

FRANCE

Article 3, paragraph 2, and Article 7 of the Convention. In reply to observations made by the Committee of Experts, the Government has stated in its report that, in the course of a general study of the conditions of work of young persons, it is envisaging the possibility of repealing sections 22 (a), 27 and 28 of Book II of the Labour Code.

HUNGARY

In reply to an observation by the Committee of Experts, the Government has stated that a study on the manner in which the Convention is applied has shown that the number of industrial sectors where young persons are employed at night is decreasing. Steps have been taken to prohibit the night work of young persons between

the ages of 16 and 18, particularly in the textile industry. The Government will continue to make every effort to bring the national legislation into harmony with the provisions of the Convention.

MAURITANIA

In reply to a request made by the Committee of Experts in 1964, the Government has indicated that legislation is being drafted with a view to the amendment of sections 9 to 12 of the Labour Code.

PORTUGAL

See under Convention No. 4.

RUMANIA

In reply to a request made by the Committee of Experts in 1964, the Government has indicated that it has not been necessary up to the present time to list the branches of industry where young persons over the age of 16 years could be employed during the night. If the national economy should require it, night work for young persons over the age of 16 would be introduced in certain branches of industry without infringing the provisions of Article 2 of the Convention.

SPAIN

In reply to a direct request made by the Committee of Experts in 1964, the Government has indicated that, in view of the absence of undertakings which operate at night, it has not been found necessary to prepare amendments to the order of 2 March 1954 respecting employment in the territories of Spanish West Africa. Furthermore, the exemption provided for in point 2 of the preliminary provision of the order does not relate to the employment of young persons.

SWITZERLAND

Labour Act, Federal Act of 13 March 1964 respecting work in industry, arts and crafts and commerce (*Recueil des Lois fédérales*, No. 4, 24 Jan. 1966).

In reply to a direct request made by the Committee of Experts in 1964, the Government has indicated that the legislation respecting night work ceased to apply with the entry into force of the above-mentioned Act on 1 January 1966.

TOGO

Order No. 283/MTAS-FP of 9 September 1964.

In reply to an observation made by the Committee of Experts in 1964, the Government has submitted a copy of the above-mentioned order modifying the order of 6 December 1950 respecting the work of children.

TUNISIA

In reply to a request made by the Committee of Experts in 1964, the Government indicates in its report that exemption from the prohibition of night work imposed in respect of women employed in industry may be authorised in accordance with the relevant provisions of the decree of 14 March 1960 by means of implementing orders. Since, however, no such orders have been issued these provisions should be regarded as obsolete. The Government therefore does not deem it necessary to denounce Convention No. 6. A new Labour Code is expected to be adopted in the near future.

UPPER VOLTA

In reply to observations made by the Committee of Experts, the Government has stated that amendments are being considered to bring the national legislation fully into harmony with the provisions of those Conventions which have been ratified by the Government.

* * *

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

Austria, Belgium, Chile, Dahomey, Denmark, France, Guinea, Hungary, Ireland, Italy, Mauritania, Nicaragua, Rumania, Senegal, Spain, Switzerland, Togo, Tunisia, Upper Volta.

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

Argentina, Brazil, Bulgaria, Cameroon (Eastern Cameroon), Central African Republic, Congo (Brazzaville), Cuba, Gabon, Greece, India, Ivory Coast, Luxembourg, Malagasy Republic, Mali, Niger, Pakistan, Poland.

7. Minimum Age (Sea) Convention, 1919

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)	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	Singapore	25. 10. 1965
Dominican Republic	4. 2. 1933	Spain	20. 6. 1924
Finland	10. 10. 1925	Sweden	27. 9. 1921
Federal Republic of Germany	11. 6. 1929	Tanzania (Zanzibar)	22. 6. 1964
Greece	16. 12. 1925	United Kingdom	14. 7. 1921
Hungary	1. 3. 1928	Uruguay ¹	6. 6. 1933
Ireland	4. 9. 1925	Venezuela	20. 11. 1944
Italy	14. 7. 1932	Yugoslavia	1. 4. 1927
Jamaica	8. 7. 1963		
Japan	7. 6. 1924		

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

BELGIUM

See under Convention No. 58.

NICARAGUA

In reply to observations made by the Committee of Experts, the Government has stated that draft legislation to amend the Labour Code has been prepared. According to section 123 as amended, children under the age of 15 may not be employed on board ship. By virtue of section 15 as amended, every shipmaster must keep a register of all persons under the age of 18 years employed on board his vessel and of the date of their birth.

PORTUGAL

Legislative Decree No. 45968 of 15 October 1964 to issue regulations for the trades and occupations covered by the Maritime Authority (*Diário do Governo (D.G.)*, 15 Oct. 1964, No. 242, p. 1438).

Decree No. 45969 of 15 October 1964 to approve the regulations for the registration of seafarers and the registration and manning of merchant and fishing vessels (*D.G.*, 15 Oct. 1964, No. 242, p. 1443).

By virtue of section 2, paragraph 2, of Legislative Decree No. 45968 and paragraph 7 of the regulations issued thereunder, the minimum age for the admission of children to employment at sea is 14 years.

In accordance with section 7 of Legislative Decree No. 45968 and paragraph 194 of the regulations issued thereunder, the keeping of a ship's register listing all persons employed on board is compulsory. Paragraph 186 (4) (c), specifies that their age must be mentioned in this document.

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	Malta	4. 1. 1965
Belgium	2. 2. 1925	Mexico	20. 5. 1937
Bulgaria	16. 3. 1923	Netherlands	15. 12. 1937
Canada	31. 3. 1926	Nicaragua	12. 4. 1934
Ceylon	25. 4. 1951	Nigeria	16. 6. 1961
Chile	18. 10. 1935	Norway	21. 7. 1936
Colombia	20. 6. 1933	Peru	4. 4. 1962
Cuba	6. 8. 1928	Poland	21. 6. 1924
Denmark	15. 2. 1938	Rumania	10. 11. 1930
Finland	20. 1. 1950	Sierra Leone	15. 6. 1961
France	21. 3. 1929	Singapore	25. 10. 1965
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		

JAMAICA (First Report)

Order in Council of 25 July 1927.

This order makes the provisions of section 1 of the United Kingdom Merchant Shipping (International Labour Conventions) Act of 1925 applicable to Jamaica, although it should be noted that this country has become an independent State.

MEXICO

In reply to an observation made by the Committee of Experts, the Government has stated that, with a view to dissipating any doubt which the Committee may harbour with regard to the effective application of the Convention in Mexico, due to the great diversity of the country's labour legislation, it intends to make public the terms of the Convention (which, by virtue of article 133 of the Constitution, has become an integral part of the national legislation) by incorporating a note in section 126, subparagraph XII, of the Federal Labour Act to indicate that the provisions of Article 2 of the Convention have acquired the force of law in Mexico.

NICARAGUA

In reply to observations made by the Committee of Experts, the Government has stated that it recently submitted to the National Congress a Bill to amend section 155 of the Labour Code so as to bring it into harmony with Article 2, paragraph 2, of the Convention.

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

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

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

Countries	Ratification registered on
Luxembourg	16. 4. 1928
Mexico	1. 9. 1939
Netherlands	9. 1. 1948
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Norway	23. 11. 1921
Peru	4. 4. 1962
Poland	21. 6. 1924
Rumania	10. 11. 1930
Spain	23. 2. 1931
Sweden	27. 9. 1921
Uruguay	6. 6. 1933
Yugoslavia	30. 9. 1929

BELGIUM

Act of 25 February 1964 to organise a pool of merchant seamen (*Moniteur belge*, 29 July 1964).

NICARAGUA

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

Article 2 of the Convention. A draft amendment to section 12 of the Labour Code prohibits the establishment and operation of fee-charging placement agencies; this provision also applies to the placement of seamen.

Articles 4 and 5. Section 12 of the Labour Code provides for the creation in the main towns of the Republic of free public employment agencies to carry on placement operations in respect of all categories of workers, including seamen. The above-mentioned draft amendment envisages the establishment of advisory committees.

Articles 6 and 7. Choice of ship and choice of crew are assured by means of the provisions of contracts of engagement.

* * *

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

Belgium, Nicaragua.

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		

AUSTRALIA

Queensland.

The Education Act of 1964 provides for the compulsory attendance at school during the prescribed hours of children between the ages of 6 and 15 years.

CENTRAL AFRICAN REPUBLIC (First Report)

Labour Code, Act No. 61-221 of 2 June 1961 (*Journal officiel de la République centrafricaine (J.o.R.c.)*, Aug. 1961, Extraordinary).

Order No. 837/IT of 22 November 1953 governing the conditions of employment of young persons and defining the kind of work and categories of undertaking forbidden for young workers as well as the age limit for the application of this prohibition (*Journal officiel de l'Afrique équatoriale française (J.o.A.e.f.)*, 15 Dec. 1953), as amended by Order No. 42/IT of 24 January 1959 (*J.o.A.e.f.*, 15 Mar. 1959, No. 6, p. 534).

Articles 1 and 2 of the Convention. Section 125 of the Labour Code sets the age of admission to employment at 14 years, except where exemptions are granted by order of the Minister of Labour, after consultation with the Labour Advisory Committee.

Sections 2 and 11 of Order No. 837/IT of 22 November 1953 reduce the age for admission to employment to 12 years for picking, gathering and sorting in agricultural undertakings.

Under section 3 of the same order it is forbidden to employ during school hours children under the age of 15 attending a public or private teaching establishment.

CZECHOSLOVAKIA

Labour Code, Act No. 65 of 16 June 1965 (*Sbírka Zákonů*, 30 June 1965, No. 32) (*L.S.* 1965—Cz. 1) (Section 11).

ITALY

The trade unions have complained of the inadequacy of the penalties provided for under the legislation relating to school attendance and the admission to employment of children and young persons. A Bill has been submitted to Parliament for the purpose of making such penalties more severe.

MALTA

Employment of Children (Regulation) Ordinance, No. VI of 1944.

In reply to a request by the Committee of Experts, the Government has referred to the above-mentioned ordinance, section 2 (*d*) of which provides that no child shall be employed for more than two hours on any day on which he or she is required to attend school.

Furthermore, the Government has stated that child labour is not prevalent in Malta.

NEW ZEALAND

Education Act, 1964 (*New Zealand Statutes*, 1964, Vol. 2, p. 1049).

The Education Act of 1964 provides for the compulsory education of children between the ages of 6 and 15 years.

NICARAGUA

The Bill to revise the Labour Code (section 175) prescribes that children under the age of 14 may be employed on agricultural work provided that such work is not of such a nature as to prejudice their attendance at school and except for cases listed under section 124 (respecting vocational courses for young persons attending state-approved vocational schools). Industrial and agricultural undertakings situated outside the radius of national schools are bound to maintain a co-educational primary school where there are more than 30 children of school age in the undertaking (article 109 of the Constitution and section 14 of the Labour Code); the Ministry for Public Education has drawn up special programmes to ensure that all children of school age receive an elementary education.

UNITED KINGDOM

In reply to a request by the Committee of Experts, the Government has stated that there is no legislation affecting the subject-matter of Articles 2 and 3 of the Convention. Children under the age of 14 years are not eligible for vocational instruction in agriculture.

* * *

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

Argentina, Netherlands, Federal Republic of Germany.

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

Austria, Belgium, Byelorussia, Bulgaria, Chile, Cuba, Gabon, Hungary, Ireland, Israel, Japan, Luxembourg, Nicaragua, Norway, Peru, Poland, Rumania, Spain, Sweden, Ukraine, U.S.S.R.

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	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	Singapore	25. 10. 1965
Cuba	22. 8. 1935	Spain	29. 8. 1932
Cyprus	8. 10. 1965	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

CHILE

Besides the Bill to repeal Book III of the Labour Code, draft legislation dealing specifically with agricultural trade unions has been submitted to the National Congress.

COSTA RICA (First Report)

Political Constitution of 7 November 1949 (*La Gaceta*, 7 Nov. 1949, Extraordinary, No. 251, p. 2069).
Labour Code, Act of 27 August 1943 (*La Gaceta*, 29 Aug. 1943, No. 192, pp. 1169-1199) (*L.S.* 1943—C.R.1).

Decree No. 2 of 29 January 1952.

Article 1 of the Convention. Articles 60 to 62 of the Political Constitution provide in general for the right of association, the right to strike and the right of collective bargaining. The Labour Code, as amended by Decree No. 2 of 29 January 1952, covers the same rights without making any distinction as regards agricultural workers, since the decree repealed the provision excluding agricultural and livestock undertakings employing up to five workers from the scope of the Code.

NICARAGUA

In reply to an observation made by the Committee of Experts, the Government has stated that the President of the Republic has already had transmitted to him a draft decree repealing section 6 of the Trade Union Regulations of 9 April 1951, which prescribes different treatment for agricultural workers in respect of freedom of association. As regards section 38 of the regulations, which provides for the dissolution of trade unions, the Government has stated that this provision is applicable to every type of trade union. The Executive Power is taking the necessary steps, however, to submit proposals to the legislature for the ratification of certain Conventions, including Nos. 87 and 98; this action will of course involve the repeal of section 38 of the regulations, and measures to this end will be taken at the appropriate time as part of the revision of the whole of the aforementioned regulations and of the relevant provisions of the Labour Code.

* * *

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

Iceland, Jamaica, Mali, Senegal.

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	Singapore	25. 10. 1965
Gabon	13. 6. 1961	Spain	1. 10. 1931
Federal Republic of Germany	6. 6. 1925	Sweden	27. 11. 1923
Haiti	19. 4. 1955	Tanzania:	
Hungary	8. 6. 1956	Tanganyika	19. 11. 1962
Ireland	17. 6. 1924	Zanzibar	22. 6. 1964
Italy	1. 9. 1930	Tunisia	15. 5. 1957
Kenya	13. 1. 1964	Uganda	4. 6. 1963
Luxembourg	16. 4. 1928	United Kingdom	6. 8. 1923
Malagasy Republic	10. 8. 1962	Uruguay	6. 6. 1933
Malawi	22. 3. 1965	Yugoslavia	27. 1. 1958
Malaysia:		Zambia	2. 12. 1964
States of Malaya	5. 6. 1961		
Sarawak	3. 3. 1964		

BULGARIA

Decree No. 803 of 30 December 1964 of the Praesidium of the National Assembly (*D'rzhaven Vestnik*, 5 Jan. 1965, No. 1).

In reply to a direct request made by the Committee of Experts in 1964, the Government has indicated that the above-mentioned decree repealed section 150 (a) of the Labour Code and that consequently salaried and wage-earning employees of state farms and agricultural co-operatives who come under the insurance schemes listed in Part VIII of the Labour Code enjoy the same rights as other salaried and wage-earning employees with regard to compensation for incapacity, including incapacity resulting from industrial accidents.

CZECHOSLOVAKIA

See under Convention No. 17.

GABON

Decree No. 293/MT-PR of 21 September 1965 to adjust pensions granted as compensation for industrial accidents and occupational diseases.

MEXICO

Act to incorporate sugar cane producers and their employees in the compulsory insurance scheme (*Diario Oficial*, 7 Dec. 1963).

The above-mentioned Act incorporates in the social insurance scheme sugar cane producers, irrespective of whether they are small landowners, settlers, members of communities, members of co-operatives, etc., and sugar cane workers, irrespective of whether they are regular or seasonal workers.

These persons are thus entitled to full benefits under the Social Insurance Act in respect of the following branches: (a) sickness of non-occupational origin and maternity; (b) invalidity, old age and death; (c) retirement at an advanced age.

NICARAGUA

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

The provision of section 103 of the Labour Code authorising the labour judge to weigh up the financial possibilities of small-scale commercial undertakings or agricultural or stock-raising undertakings and to fix compensation at one-eighth of the compensation which would be due under the general rules does not apply to a specified branch of activity but does take into account the financial capacity of undertakings, the intention being to encourage the establishment and development of small-scale undertakings.

Since the Labour Code is fully in force throughout the Republic, the aim of the Convention, which is to extend to all agricultural workers the right to benefit under laws and regulations respecting workmen's compensation, is complied with. Under the rules for exemption from the incapacity assessment rates laid down for small-scale undertakings, exceptions may be made only in the case of undertakings where only members of the same family are employed, in conformity with section 9 of the Code.

The progressive extension of the activities of the National Social Security Institute will gradually restrict the application of section 103 of the Code and other provisions relating to occupational risks as the Institute takes over responsibility for these risks. Recently a number of measures have been taken to extend the social security scheme to the industrial and agricultural enterprises of Nicaragua Sugar Estates Limited, to all centres and plantations situated within one kilometre on both sides of the North Inter-American Highway between the cities of Managua and Tipitapa and to all civil servants, salaried employees and wage earners employed by the State throughout the national territory, some of whom are engaged in activities connected with agriculture.

PERU

In reply to a direct request made by the Committee of Experts in 1965, the Government has stated in its report that the Labour Code Committee set up under Act No. 15060 of 19 June 1964, composed of representatives of the Government, the employers, the workers and the legislature, is now fully operative, and the experts' comments have been referred to it in order that they may be taken into account when the provisions respecting workmen's compensation in agriculture are framed.

TANZANIA

Tanganyika

See under Convention No. 17.

UGANDA

See under Convention No. 17.

ZAMBIA

Workmen's Compensation Ordinance, No. 65 of 1963.

This ordinance repealed and replaced the former ordinance (Cap. 188) but does not affect the application of the Convention. No distinction is made between agricultural and other wage earners who are covered by the definition of "workman".

* * *

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

Argentina, Australia, Austria, Belgium, Chile, Cuba, Czechoslovakia, France, Federal Republic of Germany, Ireland, Italy, Kenya, Luxembourg, Malagasy Republic, Malawi, Malta, Morocco, Norway, Netherlands, New Zealand, Peru, Poland, Rwanda, Singapore, Sweden, Tanzania (Tanganyika), Tunisia, Uganda, United Kingdom, Zambia.

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

Brazil, Congo (Leopoldville), Denmark, Finland, Hungary, Malaysia (States of Malaya, Sarawak), Portugal, Spain.

13. White Lead (Painting) Convention, 1921

This Convention came into force on 31 August 1923

Countries	Ratification registered on	Countries	Ratification registered on
Afganistan	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 an observation made by the Committee of Experts, the Government has stated that, with reference to all the observations formulated by the Committee of Experts on the Application of Conventions and Recommendations concerning the effect given to international labour Conventions in the Republic of Argentina, the Government will communicate to the International Labour Office, before the 50th Session of the International Labour Conference, a report to supplement the present statement, which will be accompanied by the text of draft legislative instruments to bring the national laws into harmony with the Conventions ratified.

CENTRAL AFRICAN REPUBLIC

In reply to a direct request made by the Committee of Experts, the Government has stated that the orders respecting health and safety, including Order No. 718 of 15 February 1957, will be reviewed as soon as the Act embodying the revised Labour Code has been promulgated.

HUNGARY

Ordinance No. 7 of 1964 to amend Ordinance No. 8300-22 of 1952 concerning the protection of health against lead poisoning.

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

The new ordinance mentioned above ensures the application of the provisions laid down in Article 1 and Article 5, paragraph 1 (a), of the Convention.

During 1965 there were four cases of lead poisoning. This occupational disease has been practically liquidated in Hungary as a result of the constant application of protective measures and of the strict control exercised by the labour inspectors.

MEXICO

In reply to an observation made by the Committee of Experts, the Government states that, with a view to dissipating any doubt which the Committee may harbour with regard to the effective application of the Convention in Mexico, due to the great diversity of the country's labour legislation, it intends to make public the terms of the Convention (which under article 133 of the Constitution has become an integral part of the national legislation) by incorporating a note in section 110 G, subparagraph V, of the Federal Labour Act to indicate that the provisions of Article 3, paragraph 1, of the Convention have acquired the force of law in Mexico.

NICARAGUA

In reply to an observation made by the Committee of Experts, the Government has supplied the following information.

The revised text of the Labour Code provides for the modification of section 16, which prohibits employers from doing certain things. Under this section, as amended, employers will accordingly be forbidden to employ white lead, sulphate of lead or any other product containing these pigments in the internal painting of buildings, except where the use of such products is considered necessary for railway stations or industrial establishments by the Ministry of Labour after consultation with the employers' and workers' organisations concerned, in accordance with the regulations to be issued in this respect. This prohibition shall not apply to artistic painting, fine lining or puttying. It shall nevertheless be permissible to use white pigments containing a maximum of 20 per cent. of lead expressed in terms of metallic lead.

In anticipation of this supplementary provision, the competent authorities have drawn up regulations respecting the use of white lead and other pigments in painting; these regulations are ready and can be issued as soon as the revised Labour Code has been approved.

NIGER

In reply to a direct request made by the Committee of Experts, the Government has stated that no case of lead poisoning has been reported to the competent authorities.

POLAND

Act of 30 March 1965 respecting occupational safety and health (*Dziennik Ustaw*, 6 Apr. 1965, No. 13, Text No. 91).

In reply to a direct request made by the Committee of Experts concerning the statistics required under Article 7 of the Convention with regard to morbidity and mortality due to lead poisoning among working painters, the Government has supplied the following information.

This problem is dealt with in section 34 of the above-mentioned Act. Moreover, an ordinance of the Ministry of Health and Social Assistance is now being drafted which, *inter alia*, lays down rules for the preparation of documents, reports and statistics with respect to occupational diseases.

RUMANIA

Order No. 344 of 5 June 1964 of the Ministry of Public Health to approve national standards of labour protection.

In reply to a direct request made by the Committee of Experts in 1964, the Government has supplied the following information. The above-mentioned standards of labour protection prohibit the use of white lead and white lead pigments in all painting work except as regards railway carriages and bridges, double bottoms of ships as well as artistic painting (section 127); the employment of males under 18 years of age and of women is prohibited in any painting work involving the use of these products (section 128).

SPAIN

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that the provisions of this Convention are applicable in the province of Equatorial Guinea since the chemical products listed in the Convention are not employed in internal painting work.

With respect to the West African territory, as far as everything connected with occupational disease prevention is concerned the legislation in force for the rest of the national territory is applied, in accordance with the terms of section 107 of the order of 2 March 1954.

UPPER VOLTA

See under Convention No. 6.

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

Austria, Belgium, Central African Republic, Chad, Chile, Congo (Brazzaville), Cuba, Finland, France, Greece, Hungary, Italy, Mali, Morocco, Mauritania, Mexico, Nicaragua, Niger, Netherlands, Poland, Rumania, Senegal, Sweden, Upper Volta, Yugoslavia.

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

Bulgaria, Cameroon (Eastern Cameroon), Czechoslovakia, Ivory Coast, Dahomey, Spain, Luxembourg, Norway, Malagasy Republic, Togo, Tunisia.

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	Netherlands	14. 7. 1965
Central African Republic	27. 10. 1960	New Zealand	29. 3. 1938
Chad	10. 11. 1960	Nicaragua	12. 4. 1934
Chile	15. 9. 1925	Niger	27. 2. 1961
China	17. 5. 1934	Norway	7. 7. 1937
Colombia	20. 6. 1933	Pakistan	11. 5. 1923
Congo (Brazzaville)	10. 11. 1960	Peru	8. 11. 1945
Congo (Leopoldville)	20. 9. 1960	Poland	21. 6. 1924
Cuba	20. 7. 1953	Portugal	3. 7. 1928
Czechoslovakia	31. 8. 1923	Rumania	18. 8. 1923
Dahomey	12. 12. 1960	Rwanda	18. 9. 1962
Denmark	30. 8. 1935	Senegal	4. 11. 1960
Finland	19. 6. 1923	Spain	20. 6. 1924
France	3. 9. 1926	Sweden	22. 12. 1931
Gabon	14. 10. 1960	Switzerland	16. 1. 1935
Greece	11. 5. 1929	Syrian Arab Republic	10. 5. 1960
Guinea	21. 1. 1959	Togo	7. 6. 1960
Haiti	14. 5. 1952	Tunisia	15. 5. 1957
Honduras	17. 11. 1964	Turkey	27. 12. 1946
Hungary	8. 6. 1956	United Arab Republic	10. 5. 1960
India	11. 5. 1923	Upper Volta	21. 11. 1960
Iraq	12. 5. 1960	Uruguay	6. 6. 1933
Ireland	22. 7. 1930	Venezuela	20. 11. 1944
Israel	26. 6. 1951	Viet-Nam	14. 6. 1955
Italy	8. 9. 1924	Yugoslavia	1. 4. 1927

INDIA

The Factories Act of 1948 and the Motor Transport Workers Act of 1961 have been extended to the Union territories of Goa, Daman and Diu. Rules for giving effect to these Acts in these territories are being framed.

The governments of Madhya Pradesh and Mysore and the administrations of Himachal Pradesh and Manipur have framed rules under the Motor Transport Workers Act of 1961 which, *inter alia*, provide for a weekly day of rest.

MALI

In reply to a request made by the Committee of Experts, the Government has stated that Order No. 2589 of 23 July 1953 does relate to water transport undertakings. The orders concerning the exceptions provided for by sections 148 to 150 of the Labour Code are still being studied.

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

The report from *Senegal* repeats the information previously supplied.

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)	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	Singapore	25. 10. 1965
Finland	10. 10. 1925	Spain	20. 6. 1924
France	16. 1. 1928	Sweden	14. 7. 1925
Federal Republic of Germany	11. 6. 1929	Switzerland	21. 4. 1960
Ghana	20. 5. 1957	Tanzania:	
Greece	14. 6. 1930	Tanganyika	30. 1. 1962
Hungary	1. 3. 1928	Zanzibar	22. 6. 1964
Iceland	21. 8. 1956	Trinidad and Tobago	24. 5. 1963
India	20. 11. 1922	Turkey	29. 9. 1959
Ireland	5. 7. 1930	Ukraine	14. 9. 1956
Italy	8. 9. 1924	U.S.S.R.	10. 8. 1956
Jamaica	26. 12. 1962	United Kingdom	8. 3. 1926
Japan	4. 12. 1930	Uruguay	6. 6. 1933
Kenya	13. 1. 1964	Yugoslavia	1. 4. 1927

JAMAICA (First Report)

United Kingdom Merchant Shipping (International Labour Conventions) Act of 1925, which was extended to Jamaica by the Order in Council of 25 July 1927 (*Statutory Rules and Orders*, 1927, No. 715) and is applicable to Jamaica only in respect of British ships.

Under section 4 of the Seamen (Repatriation) Law (Cap. 350), changes in the crew of British ships are made in accordance with the provisions of the above-mentioned Act. In the case of ships registered in other countries, when a change in crew occurs the shipmaster is merely given a bond for an amount which will suffice to cover the cost of any necessary relief, maintenance, medical attention or repatriation of the seamen concerned.

MALAYSIA (First Report)

Sabah

Labour Ordinance of 1949.

Article 2 of the Convention. Section 80 of the 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. This Article is applied by section 81 of the ordinance.

NICARAGUA

In reply to observations made by the Committee of Experts, the Government has stated that draft legislation to amend the Labour Code has been framed. In accordance with the amended text of section 151 young persons under the age of 18 may not be employed or work in vessels as trimmers or stokers. Under section 15 as amended, every shipmaster must keep a register of all persons under the age of 18 years employed on board his vessel and of the date of their birth.

* * *

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

Burma, Iceland, Ukraine.

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

This Convention came into force on 20 November 1922

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Japan	7. 6. 1924
Argentina	26. 5. 1936	Luxembourg	16. 4. 1928
Australia	28. 6. 1935	Malaysia (Sabah, Sarawak)	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	Singapore	25. 10. 1965
Cuba	7. 7. 1928	Somalia (ex-Trust Territory)	18. 11. 1960
Cyprus	23. 9. 1960	Spain	20. 6. 1924
Denmark	23. 4. 1938	Sweden	14. 7. 1925
Finland	10. 10. 1925	Switzerland	21. 4. 1960
France	22. 3. 1928	Tanzania:	
Federal Republic of Germany	11. 6. 1929	Tanganyika	30. 1. 1962
Ghana	20. 5. 1957	Zanzibar	22. 6. 1964
Greece	28. 6. 1930	Trinidad and Tobago	24. 5. 1963
Hungary	1. 3. 1928	Ukraine	14. 9. 1956
India	20. 11. 1922	U.S.S.R.	10. 8. 1956
Ireland	5. 7. 1930	United Kingdom	8. 3. 1926
Italy	8. 9. 1924	Uruguay	6. 6. 1933
Jamaica	26. 12. 1962	Yugoslavia	1. 4. 1927

NICARAGUA

Under the proposed amendment to section 151 of the Labour Code, no young person under 18 years of age may be employed on board a vessel unless he produces a medical certificate attesting fitness for such work. Re-examination takes place every year, but the validity of the certificate may be extended until the end of the voyage in progress.

SOMALIA (ex-Trust Territory)

In reply to a request made by the Committee of Experts, the Government has indicated that revision of the Maritime Code is still being considered and that the need to provide for yearly medical examination of younger persons will be borne in mind in this connection. It would seem, moreover, that the competent authorities do not consider the measures prescribed in Ordinance No. 12 of 1953 (section 18) as having been repealed, since these are not contrary to the provisions of the Maritime Code. But in any case these rules are not applied, as there are no young persons under the age of 18 registered as seamen.

SPAIN

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

Order of 24 May 1962 to approve the regulations governing contracts of employment in the equatorial region (*B.O.E.*, 5 June 1962, No. 134).

According to the Government's report, the two instruments mentioned above prohibit young persons under the age of 16, without any exception, from working at sea. The Government further points out that no vessel is registered at the port of Ifni.

YUGOSLAVIA

Act of 17 February 1965 respecting the composition of crews of vessels of the merchant navy (*Službeni List (S.L.)*, 1965, No. 8, Text No. 104).

Act of 17 February 1965 respecting the registration of sea-going vessels (*S.L.*, 1965, No. 8).

Act of 24 February 1965 respecting the medical supervision of crews of vessels of the merchant navy (*S.L.*, 1965, No. 9).

Article 1 of the Convention. According to the Government's report and the text of the Act respecting the registration of sea-going vessels (sections 2, 3 and 9) all ships and vessels over ten tons in weight engaged in maritime navigation are considered as belonging to the merchant navy, whether they are publicly, collectively or privately owned.

Article 2. According to sections 1 and 2 of the Act respecting the composition of crews of vessels of the merchant navy, any person registered in the ship's roll and who performs any duties whatsoever on board ship is a member of the crew. According to sections 3 and 4 of the Act respecting the medical supervision of crews, any person employed on board ship is bound to produce a medical certificate of physical fitness.

Article 3. Under section 5 of the Act respecting medical supervision, all crew members must be re-examined two years after the initial examination. The Government has emphasised in its report that, with regard to the special protection of young workers, the workers' organisations are required to apply the provisions of Article 3 of the Convention directly. Section 10 of the Act authorises the validity of the medical certificate to be extended if it expires during a voyage.

Article 4. According to section 4 of the Act respecting the medical supervision of crews of vessels of the merchant navy, young persons under the age of 18 may, exceptionally, be employed on board ship as crew members without the prescribed medical certificate in case of emergency and provided that the employment extends to only one voyage and that the maritime authorities have given prior authorisation.

The authorities responsible for the enforcement of the Act respecting the medical supervision of crews of vessels of the merchant navy are the port authorities and, outside the country, the diplomatic or consular representatives.

* * *

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, Burma, Cameroon (Western Cameroon), Ceylon, Chile, Cuba, Finland, France, Ghana, Greece, India, Ireland, Italy, Japan, Malaysia (Sabah), Nigeria, New Zealand, Netherlands, Pakistan, Poland, Sierra Leone, Singapore, Sweden, Switzerland, Tanzania (Tanganyika), Ukraine, United Kingdom.

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

Argentina, Brazil, Byelorussia, Bulgaria, Canada, China, Cyprus, Denmark, Federal Republic of Germany, Hungary, Luxembourg, Malaysia (Sarawak), Malta, Mexico, Rumania, U.S.S.R.

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		

ARGENTINA

In reply to an observation made by the Committee of Experts in 1964, the Government has referred to the information which it has provided under Convention No. 13.

Moreover, in reply to a direct request made by the Committee of Experts in 1964, the Government has stated that invalidity pensions are awarded on an ad hoc basis, the beneficiaries being subject to such periodic medical examinations as may be ordered by the management of the fund (section 1 of Legislative Decree No. 14534/44). Similar provisions with respect to the temporary nature of invalidity pensions and to the need for review are to be found in section 23 of Act No. 11110, in section 79 of Legislative Decree No. 14535/44 and in Legislative Decree No. 6396/46.

AUSTRIA

Federal Act of 16 April 1963 to amend and supplement the General Social Insurance Act (Tenth General Social Insurance Amendment Act) (*Bundesgesetzblatt (BGBl.)*, 25 Apr. 1963, No. 21, Text No. 85).

Federal Act of 12 December 1963 to amend and supplement the General Social Insurance Act (13th General Social Insurance Amendment Act) (*BGBl.*, 30 Dec. 1963, No. 89, Text No. 320).

Federal Act of 16 December 1964 to amend and supplement the General Social Insurance Act (14th General Social Insurance Amendment Act) (*BGBl.*, 30 Dec. 1964, No. 91, Text No. 301).

Federal Pension Reassessment Act of 28 April 1965 (*BGBl.*, 30 Apr. 1965, No. 32, Text No. 96).

The Act of 16 April 1963 has amended the provisions respecting benefits for the totally disabled. The Act of 12 December 1963 has introduced a new method of

calculating pensions and other cash benefits. The Act of 16 December 1964 has altered the assessment basis and the rates for invalidity pensions, supplementary pensions payable to the severely disabled, family allowances and pensions payable to dependent relatives. Finally, the Act of 28 April 1965 provides for pensions and allowances to be adjusted annually to take account of salary and wage trends.

CENTRAL AFRICAN REPUBLIC (First Report)

Act No. 65-66 of 24 June 1965 to establish rules for compensation for and prevention of industrial accidents and occupational diseases (*Journal officiel de la République centrafricaine*, 15 July 1965) [Lacking implementing instruments under this Act, the regulations mentioned hereafter remain in force (section 63 of Act No. 65-66)].

Decree No. 57-245 of 24 February 1957 respecting compensation for and the prevention of industrial accidents and occupational diseases in the overseas territories (*Journal officiel de la République française*, 28 Feb. 1957, No. 50, p. 2305) (*L.S.* 1957—Fr. 1), as amended by Decree No. 57-829 of 23 July 1957 and Ordinance No. 58-875 of 24 September 1958.

Ordinance No. 59-60 of 20 April 1959 to prescribe conditions for the application of Decree No. 57-245 as amended (*Journal officiel de l'Afrique équatoriale française*, 1 June 1959).

According to the Constitution of the Central African Republic as revised by Act No. 64-37 of 26 November 1964, ratified international Conventions acquire the force of law.

Article 1 of the Convention. The legislation in force provides for compensation to wage earners and their dependants in case of industrial accidents or occupational diseases.

Article 2. The regulations apply, without restriction as regards earnings or sector of activity, to all remunerated workers who work in any capacity and in any place whatsoever for one or more employers, including wage and salary earners and apprentices. The exceptions allowed under paragraph 2 are not made use of.

Article 3. This Article does not apply to the Central African Republic.

Article 4. There is no special scheme for agriculture.

Article 5. Section 25 of Act No. 65-66 provides for a pension to be granted to injured workmen in case of permanent incapacity, or their dependants in case of death.

The consolidation of pensions is permitted only five years after the date when the pension was first payable and must be requested in writing from the Central African Social Security Office. If the beneficiary is of age and his incapacity does not exceed 15 per cent., the whole of the pension may be converted into a lump sum. Where incapacity exceeds 15 per cent. but does not exceed 50 per cent., not more than one-quarter of the capital value of the pension may be paid in a lump sum; where incapacity exceeds 50 per cent., the pension may be capitalised up to an amount corresponding to that part of the pension allocated up to 50 per cent.

Article 6. The daily allowance for incapacity is granted as from the day following the accident. The employer must pay the wages for the day during which work was interrupted.

Article 7. Section 97 of Ordinance No. 59-60 provides that the pension be increased by 40 per cent. in cases where total permanent incapacity compels the injured workman to have recourse to the constant help of another person in order to perform the normal acts of everyday living.

Article 8. By virtue of sections 104 and 105 of Ordinance No. 59-60, any change in the condition of the injured workman, whether his infirmity improves or is aggravated, gives rise to revision of the pension, subject to a medical examination which may take place at six-monthly intervals during the first two years following certification of the cure or permanency of the infirmity or illness and, subsequently, at intervals of one year. Should the workman die from the effects of his injury, his dependants may at any time request a re-evaluation of the compensation.

Article 9. The medical, surgical and pharmaceutical expenses occurring as a result of the condition of the workman are defrayed by the Central African Social Security Office.

Article 10. Workmen injured in industrial accidents are entitled to the supply, maintenance and renewal of artificial limbs and surgical appliances, on the terms laid down in Part IV of Ordinance No. 59-60.

Article 11. Section 13 of Act No. 65-66 provides for an industrial accident and occupational disease guarantee fund to be set up which will be responsible for ensuring that beneficiaries receive the benefits due to them.

CHILE

In reply to an observation made by the Committee of Experts in 1965, the Government has stated in its report that, despite its efforts, it has not been possible to have the Bill now before Congress approved as that body is committed to the study of other Bills of great importance to the country. It is hoped that during its next ordinary session Congress will be able to complete its examination of the Bill in question and thus bring the national legislation into line with the provisions of the Convention.

CONGO (LEOPOLDVILLE)

In reply to a request made by the Committee of Experts in 1965, the Government has supplied the following information.

Article 2 of the Convention.. The provisions of the legislative decree of 19 June 1961, as modified by Legislative Ordinance No. 73 of 23 March 1964, are not applicable to apprentices. By an ordinance of the President of the Republic, apprentices may be included under all or part of the provisions of the social security scheme. The Government intends to amend the legislation now in force so as to bring it into accord with this Article of the Convention.

Article 9. The Government has firmly decided to apply this provision of the Convention, according to which injured workmen shall be entitled to medical, surgical and pharmaceutical aid, without limitation of time. To this end, it intends to modify the existing laws.

CUBA

Act No. 1165 of 23 September 1964 to amend sections 30, 31 and 36 of Act No. 1100 respecting Social Security (*Gaceta Oficial*, Year XLII, 29 Sep. 1964).

In reply to requests made by the Committee of Experts in 1964 and 1965, the Government has supplied the following information.

Counter-revolutionary offences are those defined by the current Social Defence Code as "offences against the unity and stability of the Nation" and "offences against the authorities of the State". The administrative body responsible for social security may not at its own discretion suppress the right to benefit on account of this type of offence, but may only carry out a sentence pronounced by the competent court for offences by a beneficiary against the nation.

The suspension of benefit referred to in subsection (f) of section 63 of Act No. 1100 of 1963 derives from the fact that when a beneficiary is deprived of his freedom for more than 30 days as a penalty his maintenance during the period concerned is paid for out of public funds instead of out of his benefit, which also comes from public funds made available by the State to the social security scheme.

In unifying the provisions respecting the different branches of social security, Act No. 1100 repealed Decree No. 2887, section XIV of which provided for supplementary compensation to be paid to industrial accident victims whose incapacity

was such as to necessitate constant attendance by another person. Nevertheless, subsection (c) of section 42 of Act No. 1100 provides that where permanent total incapacity results from an industrial accident or occupational disease the amount of the pension shall be increased by 10 per cent.

In answer to the Committee's request for explanations, it is stated that insurance against occupational hazards was incorporated in the established social security scheme by Act No. 1100 in implementation of Act No. 1165 of 23 September 1964, and that the texts of the supplementary measures enacted in pursuance of the fourth final provision of Act No. 1100 have already been communicated to the International Labour Office.

CZECHOSLOVAKIA

Social Security Act of 4 June 1964 (*Sbirka Zákonů (S.Z.)*, 15 June 1964, No. 44, Text No. 101) (*L.S.* 1964—Cz. 2 A).

Notification of 8 June 1964 of the State Social Security Office to provide for the application of the Social Security Act (*S.Z.*, 15 June 1964, No. 44, Text No. 102).

Act of 25 March 1965 respecting compensation for industrial accidents and occupational diseases (*S.Z.*, 6 Apr. 1965, No. 17, Text No. 30).

Order of 1 April 1965 of the Central Council of Trade Unions to enforce certain provisions of the Act respecting compensation for industrial accidents and occupational diseases (*S.Z.*, 6 Apr. 1965, No. 17, Text No. 31).

The Social Security Act provides for pensions to be granted out of the social security funds and the Act respecting compensation for industrial accidents and occupational diseases guarantees that wage earners will receive the initial allowances from the funds of the undertakings liable in respect of the accident or disease. All wage earners and apprentices are protected by the above provisions. In case of death or permanent incapacity, the allowances paid by the social security funds take the form of pensions. In case of temporary incapacity, sickness benefit is payable, starting on the first day of such incapacity, out of the Wage-Earners' Sickness Insurance Fund (Act of 30 November 1956, revised). When the condition of the beneficiary calls for constant assistance from another person, a pension increase ranging from 100 to 400 crowns a month may be granted, taking into consideration the degree of incapacity and the social and family situation of the worker. Medical care is provided free of charge under the State Health Service and includes the benefits mentioned in Articles 9 and 10 of the Convention. The payment of industrial accident compensation to injured workmen and their dependants is guaranteed by the State.

FINLAND

Act of 20 December 1963 respecting invalidity assistance for persons receiving injury benefits (*Suomen Asetuskokoelma—Finlands Författningssamling*, 1963, No. 592) (Annex 1).

Under the Act a disabled person receiving a daily allowance or an annuity may undergo medical rehabilitation and adequate training with a view to improving or maintaining his ability to work, and may obtain financial assistance for the acquisition of tools and machines or for the establishment of an undertaking of his own with a view to supporting his occupational activity. These expenses are covered by employers' contributions.

FRANCE

Act No. 63-806 of 6 August 1963 concerning the inclusion in the social security scheme of journalists paid by the line (*Journal officiel*, 8 Aug. 1963).

The above-mentioned enactment extended the scope of the legislation concerning industrial accidents to professional journalists and persons in the same category who

are remunerated according to the amount of copy (articles, news items or other texts or photographs) that they supply to press agencies or newspaper or periodical publishers.

FEDERAL REPUBLIC OF GERMANY

Accident Insurance (Reorganisation) Act of 30 April 1963 (*Bundesgesetzblatt (BGBl.)*, Part I, 9 May 1963, No. 23, p. 241) (*L.S.* 1963—*Ger. F.R.* 2).

Family Allowances Act of 14 April 1964 (*BGBl.*, Part I, 18 Apr. 1964, No 18, p. 265) (*L.S.* 1964—*Ger.F.R.* 1).

The Act of 30 April 1963 has brought about some changes in the workmen's compensation scheme.

A lump sum may be awarded instead of an invalidity pension when there is reason to expect, having regard to the special circumstances of the case, that only a temporary pension will be payable. In such a case the insurance carrier may pay the injured person a lump sum equal to the probable expenditure that the pension would otherwise involve. If, on the expiry of the period that this lump sum was intended to cover, a sufficient reduction in earning capacity subsists to justify payment of a pension, an invalidity pension is payable.

The pension may also be replaced by a lump sum where the reduction in earning capacity is less than 30 per cent. In such a case the insurance carrier may, at the request of the injured person, pay him a lump sum corresponding to the capital value of the pension. The person in question may still claim a pension at any later time if the consequences of the accident become worse, the sum used as a basis for calculating the capital value of the pension being deducted from the pension.

The pension may also be replaced by capital with a view to the acquisition or economic improvement of the injured person's own landed property (or rights equivalent to landed property), or if the injured person ceases to reside habitually in the national territory.

In the event of incapacity for work, a daily allowance is payable as from the first day of incapacity. This allowance is payable under the accident insurance scheme of the sickness insurance carrier, the employer being required in certain cases to pay a supplement to this daily allowance.

In cases where, as a consequence of an accident, the injured person is unable to fend for himself and needs to be cared for by another person, help and attention by a male or female nurse at home, or hospital care in an appropriate institution, are provided. An attendance allowance of between 100 and 350 marks per month may be granted in lieu of nursing care.

Where substantial changes take place in the factors determining the amount of benefit, the amount is reassessed. During the first two years following an accident the injured person may ask for his pension to be reassessed at any time if a change takes place in his state of health. On expiry of this period, however, the pension may be reassessed only at intervals of not less than one year.

GREECE

In reply to a request made by the Committee of Experts in 1964, the Government has indicated that the social security scheme has been extended to 71 villages, localities or undertakings, so that 8,222 persons who were previously covered only by the provisions of Act No. 551 of 1915 are now covered by the social security scheme.

IRAQ

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

The draft Labour Law prepared by a committee set up for this purpose is still under consideration. All questions raised by the experts are brought to the notice of the committee.

The Social Security Law has been promulgated and was due to be implemented in October 1965. The regulations for its implementation will be promulgated soon and will be communicated to the I.L.O. in due course.

KENYA

Workmen's Compensation Act.

In reply to a request made by the Committee of Experts in 1965, the Government has provided the following information.

Article 2 of the Convention. No use is being made of section 2 (vi) of the Act which makes possible the exclusion by regulations of persons other than those who are determined in a restrictive manner in the Convention.

Article 5. While sections 6, 7 and 8 of the Act do not provide for periodic payments as required by the Convention, administrative arrangements exist whereby the Post Office Savings Bank makes periodic payments to a workman or his dependants. The Registrar of Workmen's Compensation in the Ministry of Labour and Social Services is responsible for ensuring the application of these arrangements.

Articles 9 and 10. Very few cases have exceeded the limits for the provision of medical aid and surgical appliances. Those cases received the additional money needed to meet the charges. As regards the cost of artificial limbs and appliances, consideration is being given to raising the maximum benefit limits.

Article 11. No use is being made of section 26 (1) of the Act which makes insurance against occupational injuries compulsory in some undertakings.

MEXICO

Regulations for the grading of undertakings and degrees of risk for the employment injuries insurance scheme (*Diario Oficial*, 29 Jan. 1964, No. 24, p. 3; corrected in *ibid.*, 4 Feb. 1964, No. 29, p. 15).

NEW ZEALAND

Article 5 of the Convention. In reply to observations made by the Committee of Experts, the Government has indicated that it has under consideration the establishment of a system of pensions, in case of industrial accidents, for permanently disabled workers or for the dependants of a deceased worker, and that it anticipates being able to report progress in the establishment of the new system possibly by next year.

NICARAGUA

In reply to observations and requests made by the Committee of Experts in previous years, the Government has supplied the following information.

In the spirit of article 95, paragraph 7, of the Political Constitution, the Labour Code and the Act to establish a National Social Security Institute together with the regulations made thereunder fully guarantee compensation to injured workmen and their dependants.

As the scope of the Social Security Act is gradually extended, the provisions of the Labour Code relating to workmen's compensation automatically become void. The situation is therefore being brought progressively into harmony with the Convention, since the National Social Security Institute pays out benefit in the form of pensions and not of a lump sum as provided for under the Labour Code. In view of

the rapidity with which the social security scheme is being extended, it may safely be affirmed that it will soon be in force throughout the Republic.

Article 2 of the Convention. Although section 64 of the Social Security Act excludes from workmen's compensation persons who enter employment after reaching the age of 60, it should be borne in mind that they are entitled as from that age to old-age benefit, in accordance with sections 111 *et seq.* of the social security regulations. Moreover, persons not covered by the social security scheme may claim compensation under the Labour Code.

Article 5. The above remarks concerning the gradual extension of the social security scheme are applicable in this connection.

Article 7. Although no provision is made for additional compensation to persons whose injury is of such a nature that they require the constant help of another person, that eventuality was borne in mind when determining the amount of invalidity benefit, so that the Government feels there is no discrepancy in this respect between the national legislation and the provisions of the Convention.

Article 10. Section 92 of the Labour Code, which provides that employees who incur an injury are entitled to receive medical attendance, medicaments, curative requisites and the compensation mentioned, is to be taken as including among "curative requisites" such aids to rehabilitation as artificial limbs and orthopaedic appliances, referred to in the Convention.

Article 11. The right to compensation for an employment injury is guaranteed against the employer's insolvency by section 110 of the Labour Code, which provides that compensation may not be hypothecated, ceded, settled by compromise or renounced and shall be entitled to all franchises and privileges granted by the civil laws in the case of debts for maintenance.

PHILIPPINES

Workmen's Compensation Law, as amended by Act No. 4119 (entered into force on 20 June 1964).

Article 2 of the Convention. The recent amendments have extended coverage to all workers in private employment, whether for gain or not, except domestic service, and to all government officials and employees, except elective ones.

Article 5. Payment of compensation may not be made for more than 208 weeks or exceed 6,000 pesos, whichever of the two limits is reached first. The maximum period for payment may be extended, subject to the amount paid remaining within the maximum of 6,000 pesos.

Article 6. In case of temporary incapacity lasting not more than three days medical benefits only are provided. If the incapacity extends beyond three days compensation is payable as from the first day of incapacity.

Article 7. During the period of incapacity nursing attendance is available if needed. Thus the provisions of the Convention can be met in this respect. Furthermore a sick or disabled member of the family is never left alone in a country where the closeness of family ties and family solidarity are characteristic.

Article 8. The amendments of 1964 authorised the creation of workmen's compensation units in the 12 regional offices of the Department of Labour to act as extensions of the Bureau of Workmen's Compensation.

Article 9. Under the amendments of 1964 there is no limit to the nature and duration of the medical care, surgery, etc., to which injured workers are entitled. The employer is liable to the extent required by the nature of the incapacity and the process of recovery.

Article 10. The amendments of 1964 provide that (a) artificial limbs, surgical appliances, etc., should be supplied or renewed on condition that they promote the

speedy recovery of the injured persons to the maximum level of physical capacity; (b) their supply and renewal may be replaced by additional compensation if the employer cannot furnish them promptly and the employee acquires them at his own expense; and (c) the competent authorities may investigate their adequacy for renewal, inordinate use or other matters so as to prevent abuses.

Article 11. The 1964 amendments provide for the compulsory insurance of the employer's liability, either with a private insurance company or through self-insurance.

POLAND

Ordinance of 19 June 1965 of the Council of Ministers to make changes as regards the suspension of pension entitlement and the payment of compensation for incapacity in pension form (*Dziennik Ustaw*, 29 Feb. 1965, No. 26, Text No. 174).

In reply to a request made by the Committee of Experts in 1964, the Government has indicated that suspension of the payment of pensions to members of the beneficiary's family, including in the case where the beneficiary has died as a result of an employment injury or occupational disease, is in conformity with the basic principles of national legislation regarding social security, the purpose of which is to secure a means of subsistence for workers and members of their family when they are unable to secure it through their own work.

Within the framework of future research into the improvement of social security legislation in Poland, this matter will receive careful consideration.

Under the above-mentioned ordinance, members of a beneficiary's family who engage in a trade or occupation in which they earn more than the prescribed maximum now receive one-half of the pension due to them; previously the entire pension was withheld in such circumstances.

PORTUGAL

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

Order No. 21769 of 3 January 1966 brought into effect in all Portuguese provinces overseas and particularly Macao the national incapacity scale for industrial accidents and occupational diseases approved by Decree No. 43182 of 23 September 1960.

With regard to Article 7 of the Convention (concerning payment of additional compensation to injured workmen whose condition requires the constant help of another person), the Government has indicated that the adoption of a legislative provision in this connection is still being considered.

The Government considers that section 233, paragraph 2 (d), of the Labour Code, which excludes from the scope of the Code persons who offer their services to an undertaking without being under its authority, direction or supervision, corresponds in practice to Article 2, paragraph 2 (a), of the Convention. The legislation is precisely intended, in cases where the workers of one undertaking are occasionally employed by another, to release the latter from responsibility should such workers have an accident.

The legislation respecting compensation for employment injuries in Angola, Mozambique and other overseas provinces also applies to domestic work.

RWANDA

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

The Social Fund is in the process of reviewing the conditions for the granting of a supplementary allowance for industrial accident victims whose incapacity necessitates the constant help of another person (Article 7 of the Convention).

The orders for the administration of the Social Security Act of 15 November 1962 have not yet been drafted, but it is hoped that it will be possible to forward the texts of these orders shortly.

See also under Convention No. 4.

SIERRA LEONE

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

Article 5 of the Convention. Payment of compensation in respect of permanent incapacity continues to be made in the form of a lump sum and no provision exists for the payment of such compensation in the form of a life pension. The experts' comments in this respect have been noted.

Articles 9 and 10. The position remains the same. The comments of the Committee of Experts have been noted. Local circumstances do not at present permit the existing limits to be exceeded or abolished.

SPAIN

In reply to a request made by the Committee of Experts in 1964 with respect to the African provinces, the Government has stated that, although normally the general legislation on the subject is applicable to the African provinces, the administrations of the territories concerned are considering the adoption of such measures as may be necessary to correct any possible divergences between the Convention and the territorial legislation, but in such a way as to ensure their effectiveness and guarantee better conditions for the workers. The Government has added that any such measures enacted will be communicated in due course to the I.L.O.

SWEDEN

In reply to observations made by the Committee of Experts, the Government has stated that the special committee set up to review the present employment injury insurance scheme will not be able to present its conclusions before 1966 and that a new Employment Injuries Insurance Act cannot be expected to enter into force before 1 January 1968.

In the meantime and pending subsequent consideration of the matter by the Government and Parliament, the Government is obliged to reserve its position in respect of the observations made by the Committee of Experts.

It should be mentioned, however, that the special committee is also studying the possibilities of ratification by Sweden of the Employment Injury Benefits Convention, 1964 (No. 121), in the light of the provisions of Article 11, paragraph 1, of the said Convention.

SYRIAN ARAB REPUBLIC

In reply to a request made by the Committee of Experts in 1965, the Government has indicated that it will take the necessary steps to fix the additional compensation which, according to Article 7 of the Convention, is due to injured workmen whose incapacity is such that they require the constant help of another person. These measures will be taken under section 82 of the Social Insurance Code of 1959.

TANZANIA

Tanganyika

Workmen's Compensation Ordinance.

Workmen's Compensation (Compulsory Insurance) Regulations, 1964 (Government Notice No. 64 of 24 January 1964).

Workmen's Compensation (Compulsory Insurance) Order, 1965 (Government Notice No. 245 of 21 May 1965).

In reply to a request made by the Committee of Experts in 1964, the Government has provided the following information.

Article 2, paragraph 2, of the Convention. No use has been made of section 2 (1) (f) of the ordinance to exclude from the scope of the ordinance persons other than those expressly excluded in the section. It is proposed to modify section 2 (1) (a) to include non-manual workers who earn up to 24,000 shillings per annum.

Article 5. Lump-sum payments in the case of death or permanent incapacity are made in cases where the dependants are adults, such as a wife, father, mother, etc. Trust accounts are opened in respect of dependants under the age of 18. Close control is exercised over the account to ensure that money is withdrawn only for approved purposes—clothing, education or housing. Because of administrative difficulties at the present stage of development, payment of compensation by way of periodical payments must be viewed as a long-term objective.

Articles 9 and 10. To date only one case has exceeded the benefit amount of 4,000 shillings prescribed under section 31 (1) of the ordinance. In that case the Government paid the excess hospital charges. It is proposed to increase the limit for medical expenses to 6,000 shillings. Consideration is also being given to extending the limits under section 31 (1) (a), (b) and (c) in respect of medical expenses, artificial appliances and transport charges.

The Government has also stated in its report that, under the provisions of section 25 of the Workmen's Compensation Ordinance, the Minister of Labour may require any employer to insure against liabilities arising from the ordinance. The Workmen's Compensation (Compulsory Insurance) Regulations, 1964, require all employers with ten or more employees to submit a quarterly return which provides details on their method of insurance. The Workmen's Compensation (Compulsory Insurance) Order, 1965, exempts from compliance with its provisions statutory boards or corporations established by the Government, international agencies, and limited liability companies with a paid-up share capital of £25,000 and subject to certain other safeguards.

TUNISIA

Act No. 65-25 of 1 July 1965 concerning the status of domestic employees (*Journal officiel de la République tunisienne*, 2 July 1965, No. 35).

In reply to a request made by the Committee of Experts, the Government has indicated that the above-mentioned Act has extended industrial accident benefits to domestic employees.

UGANDA

Workmen's Compensation Ordinance (*Laws of the Uganda Protectorate*, revised edition 1951, Cap. 91). Legal Notice No. 226 of 1950 to direct that the Workmen's Compensation Ordinance, 1949, shall apply throughout the Protectorate to employment of every kind (*Laws of the Uganda Protectorate*, revised edition 1951, Vol. II, p. 1374).

Workmen's Compensation Ordinance, No. 43 of 1955. Assented to 22 November 1955.

Article 1 of the Convention. Legal Notice No. 226 of 1950 made under section 1 of the ordinance provides for application of the ordinance to employment of every kind.

Article 2. Advantage has been taken of the exceptions provided for in the second paragraph of this Article. The ordinance contains no definition of employment of a

casual nature of the kind which may be excepted from protection. An income of £840 a year is the limit of earnings beyond which a non-manual worker is not protected under the ordinance.

Articles 3 and 4. No exceptions from protection have been made in accordance with these Articles.

Article 5. Compensation is generally paid in the form of a lump sum because payment in the form of a pension is neither practicable nor possible. Under section 12 of the ordinance, if the workman's earnings exceed a prescribed amount, compensation is paid into the court in a lump sum and the court may order the sum to be paid to the injured workman in such manner as it approves. For lower paid workmen compensation must be paid through an officer, who, in case of death, pays it to the dependants of the deceased (section 29 of the ordinance).

Article 6. Compensation is payable by the employer at least as from the fourth day of incapacity.

Article 7. Provision exists for payment of additional compensation amounting to one-quarter of the amount which otherwise would be payable.

Article 8. All accidents have to be reported (section 14 (1) of the ordinance). All settlements of claims must be approved by the court. Any periodical payment may be reviewed by the court on the application of either the employer or the workman.

Article 9. The employer must defray reasonable expenses incurred for medical treatment up to a total amount not exceeding £200, and necessary transport charges not exceeding £50.

Article 10. Under section 32 of the ordinance the employer must pay for artificial limbs and other surgical appliances up to a total amount not exceeding £100.

Article 11. Reference is made to section 27 of the ordinance, which contains provisions as regards the insolvency of an employer and ensures that compensation for which liability was incurred before certain dates shall be included among the debits which are to be given priority of payment over all other debits.

UNITED KINGDOM

Family Allowances and National Insurance Act, 1964.

National Insurance Act, 1964.

National Health Service (Abolition of Prescription Charges) Regulations (England and Wales), 1965 (*Statutory Instruments (S.I.)*, 1965, No. 54).

Health Services (Abolition of Prescription Charges) Regulations (Northern Ireland), 1965 (*S.I.*, 1965, No. 5).

National Health Service (Abolition of Prescription Charges) (Scotland) Regulations, 1965 (*S.I.*, 1965, No. 56).

As regard observations made by the Committee of Experts, the Government has stated that charges to patients for medicines, drugs, minor dressings and surgical appliances were removed as from 1 February 1965. Charges to patients for spectacles, dental treatment and dental appliances continue to be levied.

The Family Allowances and National Insurance Act, 1964, and the regulations made thereunder increased the allowance paid for children and widowed mothers and raised the age limit for the payment of family allowances and children's allowances from 18 to 19 years in the case of students or low-paid apprentices.

The National Insurance Act, 1964, and the regulations made thereunder increased the amount of contributions to and the benefits payable out of the Industrial Injuries Fund and improved the allowances paid out of the Industrial Injuries Fund for injuries and diseases arising out of pre-1948 employment.

ZAMBIA

Workmen's Compensation Ordinance, No. 65 of 1963, which came into force on 1 April 1964.

Article 2 of the Convention. The Workmen's Compensation Ordinance applies to all workers whose basic rate of pay does not exceed £2,400 a year, with the following exceptions: members of the armed forces, outworkers, domestic servants, persons employed casually by an employer and not in connection with the employer's trade or business and persons in the police force or public service in respect of whom provision exists in law for the payment of a gratuity or pension in the case of injury or death.

Article 3. There is no special scheme for seamen and fishermen.

Article 4. Agricultural workers are included in the existing scheme.

Article 5. Compensation for accidents resulting in permanent disablement assessed at 10 per cent. or less is paid as a lump sum. Where the disablement exceeds 10 per cent. a monthly pension is paid. In addition to a pension a monthly allowance is also paid for dependent children. In the case of death, provision is made for either a pension or a lump-sum payment depending upon the relationship of the surviving dependant to the worker.

The Workmen's Compensation Commissioner exercises control over the payment of lump-sum compensation under the ordinance, which contains adequate safeguards for proper utilisation of the award. Provision is also made for the commutation of a portion of a pension, though an application to this effect is not normally approved by the Workmen's Compensation Commissioner unless sufficient evidence is produced that it would be of material advantage to the applicant.

Article 6. Payment is made as from the date of the accident, by the employer if individually liable, or by the Workmen's Compensation Commissioner acting on behalf of the Workmen's Compensation Fund Control Board.

Article 7. The ordinance provides for an additional allowance to be paid to any worker disabled as the result of an accident who requires the constant help of another person. The amount of the allowance is assessed by the Commissioner.

Article 8. The scheme is administered by the Workmen's Compensation Fund Control Board. A review of compensation granted may be made at any time by the Commissioner under the ordinance. Where a person affected disputes any award, he may lodge an objection with the Commissioner in the first instance and with the Workmen's Compensation Appeal Tribunal in the second instance.

Article 9. An employer is required to provide services for the rendering of first aid to workers injured in industrial accidents. He is also required to provide a conveyance for the removal of the injured person to a hospital or to his place of residence, the cost of which is refunded by the Workmen's Compensation Fund.

Under the ordinance the Commissioner will defray any reasonable expenses incurred by an industrial accident victim in obtaining dental, medical, surgical or hospital treatment, skilled nursing services, medicines and surgical dressings. A maximum of £400 is allowed for medical and hospital treatment and the supply of medicines. This figure may be exceeded in serious cases at the discretion of the Commissioner. There is no time limit for the supply of medical aid.

Under national legislation aid is due either from the employer individually liable or the Commissioner.

Article 10. The supply, repair and renewal of artificial limbs and surgical apparatus up to an amount of £150 is provided for in the ordinance. This figure may be exceeded in certain cases on the authority of the Commissioner. Administrative control is exercised by the Commissioner through normal accounting procedures.

Article 11. Liability for the payment of benefits is vested in the Workmen's Compensation Fund, irrespective of whether an employer has registered or not.

* * *

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, Bulgaria, Burma, Central African Republic, Chile, Congo (Leopoldville), Cuba, Czechoslovakia, Finland, France, Federal Republic of Germany, Greece, Kenya, Luxembourg, Malaysia (States of Malaya), Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Philippines, Poland, Portugal, Sierra Leone, Somalia (ex-Trust Territory), Sweden, Syrian Arab Republic, Tanzania (Tanganyika), Tunisia, Uganda, United Kingdom, Zambia.

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

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	Japan	8. 10. 1928
Argentina	24. 9. 1956	Luxembourg	16. 4. 1928
Australia	22. 4. 1959	Mali	22. 9. 1960
Austria	29. 9. 1928	Mauritania	20. 6. 1961
Belgium	3. 10. 1927	Morocco	20. 9. 1956
Bulgaria	5. 9. 1929	Netherlands ¹	1. 11. 1928
Burma	30. 9. 1927	Nicaragua	12. 4. 1934
Burundi	11. 3. 1963	Niger	27. 2. 1961
Central African Republic	9. 6. 1964	Norway	11. 6. 1929
Ceylon	17. 5. 1952	Pakistan	30. 9. 1927
Chile	31. 5. 1933	Poland	3. 11. 1937
Colombia	20. 6. 1933	Portugal	27. 3. 1929
Congo (Leopoldville)	20. 9. 1960	Rwanda	18. 9. 1962
Cuba	6. 8. 1928	Senegal	4. 11. 1960
Czechoslovakia	19. 9. 1932	Spain	29. 9. 1932
Dahomey	12. 12. 1960	Sweden ¹	15. 10. 1929
Denmark	18. 6. 1934	Switzerland	16. 11. 1927
Finland	17. 9. 1927	Syrian Arab Republic	10. 5. 1960
France	13. 8. 1931	Tunisia	12. 1. 1959
Federal Republic of Germany	18. 9. 1928	United Arab Republic	10. 5. 1960
Guinea	21. 1. 1959	United Kingdom ¹	6. 10. 1926
Hungary	19. 4. 1928	Upper Volta	21. 11. 1960
India	30. 9. 1927	Uruguay ¹	6. 6. 1933
Iraq	26. 11. 1938	Yugoslavia	1. 4. 1927
Ireland ¹	25. 11. 1927	Zambia	22. 2. 1965
Italy	22. 1. 1934		
Ivory Coast	21. 11. 1960		

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

CENTRAL AFRICAN REPUBLIC (First Report)

Constitution, as revised by Act No. 64-37 of 26 November 1964 (*Journal officiel de la République centrafricaine (J.o.R.c.)*, 1 Jan. 1965, No. 1, p. 23).

Act No. 65-66 of 24 June 1965 to establish rules for compensation for and prevention of industrial accidents and occupational diseases (*J.o.R.c.*, 15 July 1965).

Ordinance No. 59-60 of 20 April 1959 to prescribe conditions for the application of Decree No. 57-245 respecting compensation for and prevention of industrial accidents and occupational diseases in the overseas territories, as amended by Decree No. 57-827 of 24 September 1958 (*Journal officiel de l'Afrique équatoriale française*, 1 June 1959).

The Government has stated that, according to the revised Constitution, all duly ratified international Conventions acquire the force of law within the national territory.

Article 1 of the Convention. Compensation for occupational diseases is guaranteed according to the same principles as for industrial accidents. The Act of 1965 covers all wage earners, without laying down conditions as to any minimum period of work for entitlement; compensation is based on the principle of collectively accepted occupational risks, compensated at a fixed rate.

Article 2. Appendix III to Ordinance No. 59-60 of 20 April 1959, which remains in force until such time as instruments of implementation under the Act of 1965 shall have been enacted, contains a table of 40 diseases considered as occupational.

The application of the laws and regulations respecting matters dealt with in the Convention is entrusted to the Ministry of Labour, the labour inspectors and the

supervisors of labour, manpower and social security, the labour courts, and the pre-fects and sub-prefects, who are the legal substitutes of the labour inspectors.

CEYLON

In reply to an observation and requests made by the Committee of Experts, the Government has stated that a Bill to amend the Workmen's Compensation Act with a view to bringing it into conformity with the provisions of the Convention has been presented to Parliament. The Government hopes that the amendment will be effected shortly.

ITALY

Act No. 413 of 15 April 1965 to establish rules for the application of compulsory insurance against employment injuries and occupational diseases to craftsmen who employ workers.

IVORY COAST

Decree No. 64-44 of 9 January 1964 to amend the schedule of occupational diseases appended to Decision No. 187-58 of 10 September 1958 (*Journal officiel de la République de la Côte d'Ivoire*, 1964, p. 151).

In reply to an observation and requests made by the Committee of Experts, the Government has stated that it has received the documentation sent by the International Labour Office at its request and that the above-mentioned decree has amended the schedule of occupational diseases in respect of poisoning by lead or mercury or their alloys, amalgams or compounds and their sequelae. In particular, under the decree in question the list of pathological symptoms likely to be caused by such poisoning has been changed from a restrictive one to an indicative one.

JAPAN

Act No. 130 to amend the Workmen's Compensation (Insurance) Act (*Kampoo*, 11 June 1965).

LUXEMBOURG

Grand-Ducal Regulations of 26 May 1965 to revise the schedule of occupational diseases carrying entitlement to compensation under the accident insurance scheme (*Mémorial A*, 31 May 1965, No. 29, p. 583).

In reply to observations made by the Committee of Experts with respect to adding the loading, unloading or transport of merchandise to the list of processes carrying a risk of anthrax infection, the Government has drawn attention to the above-mentioned regulations, point 51 of which lays down that sufferers from diseases transmissible from animals to man are entitled to benefit under the compulsory accident insurance scheme. The report adds that the new schedule of occupational diseases is based on the schedule of the Federal Republic of Germany and on the schedule adopted by the European Economic Community, known as the "European Schedule".

MALI

In reply to requests made by the Committee of Experts, the Government has stated that a Bill for the amendment of the schedules appended to Act No. 62-68/AN-RM of 9 August 1962 establishing a Social Welfare Code is now before the National Assembly with a view to bringing the national legislation into line with the Convention. The amendment is aimed at replacing the term "diseases engendered by mercury poisoning" by the term "principal diseases engendered by mercury poisoning", and at enlarging upon the term "transport of merchandise" as related to the risk of anthrax infection.

MAURITANIA

Order No. 10135 of 25 February 1965 to amend and supplement Order No. 434 of 19 December 1958 prescribing a schedule of diseases presumed to be of occupational origin (*Journal officiel de la République islamique de la Mauritanie*, 17 Mar. 1965, No. 156, p. 94).

In reply to earlier requests made by the Committee of Experts, the Government has stated that the above-mentioned order adds mercury poisoning and anthrax infection to the schedule of occupational diseases and thus ensures application of the Convention.

NICARAGUA

Executive Decree No. 7 of 17 September 1965 to amend the general rules of the National Social Security Institute.

Various other regulations to extend the social security scheme to different localities and categories of workers.

In reply to observations made by the Committee of Experts, the Government has stated that section 84 of the Labour Code contains a definition of occupational diseases which is broad enough to cover all the diseases mentioned in the table reproduced in the Convention, and others as well. However, the legislature is now considering a revised Labour Code which will contain a table listing all the diseases mentioned in the Convention. In any case point 138 of the general rules of the National Social Security Institute contained a list of occupational diseases corresponding to the list given in the Convention. This has been replaced, by virtue of the executive decree of 17 September 1965, by the list contained in the Employment Injury Benefits Convention, 1964 (No. 121), which will be incorporated in the revised Labour Code.

With regard to the progressive extension of the social security scheme, the Government has indicated that the scheme has been extended to localities outside the district of Managua and to further categories of workers; however, this extension is in respect mainly of old-age, invalidity and survivors' insurance.

NIGER

Act No. 65-4 of 8 February 1965 to establish a National Social Security Fund (*Journal officiel de la République du Niger*, 15 Feb. 1965, No. 4, p. 3).

Decree No. 65-117 of 18 August 1965 to lay down rules for the administration of the employment injuries compensation and prevention scheme by the National Social Security Fund.

The above legislation repeals the earlier legislation on the subject.

The Government has stated that account has been taken in the new legislation of requests made by the Committee of Experts. Thus the disorders listed in the schedule of occupational diseases (Appendix IV to the above-mentioned decree) as occupational "lead poisoning" and "mercury poisoning" and the operations listed as "principal processes likely to give rise to these diseases" are stated to be indicative; furthermore, the compensation payable under the new legislation is due in respect of any form of poisoning by lead or mercury or their alloys or amalgams and their sequelae. In addition the term "loading and unloading or transport of merchandise" has been added to the list of processes carrying the risk of anthrax infection.

PORTUGAL

Order No. 21769 of 3 January 1966 of the Ministry for Overseas Territories to implement, in overseas provinces, Decree No. 43189 of 23 September 1960 establishing a national incapacity scale for industrial accidents and occupational diseases.

In reply to requests made by the Committee of Experts, the Government has stated that workers in overseas provinces who are not covered by the Rural Labour Code are compensated for occupational diseases under the above-mentioned Order No. 21769.

SENEGAL

In reply to requests made by the Committee of Experts in previous years concerning the restrictive nature of the list of forms of poisoning by lead and mercury covered by the national legislation, the Government has stated that it appreciates the importance of social security legislation covering the greatest possible number of risks and that it undertakes to amend the relevant regulations in due course prior to the establishment in the country of new industries in which cases of such poisoning would be likely to arise.

As regards the risk of anthrax infection (in loading, unloading and transport of merchandise in general), the Government has thanked the Committee for its explanations with respect to the scope of this item in the schedule contained in the Convention and has stated that it will forward statistics as to the prevalence of anthrax infection in Senegal.

SWITZERLAND

Ordinance of 27 August 1963 respecting occupational diseases (*Recueil des lois fédérales*, 29 Aug. 1963, No. 34, p. 753).

Federal Act of 4 October 1963 to amend the Act respecting sickness and accident insurance.

Under the ordinance of 1963, which replaces the ordinance of 1956, compulsory accident insurance has been extended to a further group of occupational diseases. The above-mentioned Federal Act readjusted the maximum yearly and daily earnings rates on the basis of which pensions and daily allowances under the accident insurance scheme are calculated.

For the Government's reply to the request of the Committee of Experts concerning the extension to occupational diseases of the accident insurance scheme applicable to agricultural workers, see *Report of the Committee* (1964), p. 662.

SYRIAN ARAB REPUBLIC

Social Insurance Code, Law No. 92 of 6 April 1959 (*Al-jarida al-rasmiya (Aj. ar.)*, 7 Apr. 1959, No. 71bis B, p. 28) (*L.S.* 1959—U.A.R. 2), as amended by Legislative Decree No. 21 of 11 October 1961 respecting the establishment of a social insurance scheme (*Aj.ar.*, 19 Oct. 1961, No. 4, p. 375).

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

With regard to poisoning by lead alloys or compounds and mercury amalgams and compounds, processes requiring the handling of these substances are mentioned in the list of processes liable to cause poisoning.

With regard to anthrax infection, the enactment is a precise translation of the text of the Convention, with the exception of the word "merchandise". Workers who load and unload or transport merchandise which cannot be identified as having been or not having been in contact with contaminated merchandise are protected, according to the report of the Government, by preventive health measures, including quarantine.

TUNISIA

In reply to an observation and requests made by the Committee of Experts with respect to the restrictive nature of the list of pathological symptoms of lead and mercury poisoning and the absence of "loading and unloading or transport of merchandise" from the list of processes involving a risk of anthrax infection, the Government has supplied the text of a proposed amendment to the schedule of occupational diseases appended to the Act of 11 December 1957 which will bring the national legislation into line with the Convention.

UPPER VOLTA

See under Convention No. 6.

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For information relating to the following countries, see under Convention No. 42:

Australia, Belgium, Congo (Leopoldville), Cuba, Czechoslovakia, Denmark, France, Federal Republic of Germany, Iraq, Morocco, Rwanda, Spain.

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

Austria, Chile, India, Norway, Poland.

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

Argentina, Bulgaria, Burma, Dahomey, Finland, Hungary, Pakistan.

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	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	Singapore	25. 10. 1965
Finland	17. 9. 1927	Somalia (ex-Trust Territory)	18. 11. 1960
France	4. 4. 1928	Republic of South Africa	30. 3. 1926
Gabon	13. 6. 1961	Spain	22. 2. 1929
Federal Republic of Germany	18. 9. 1928	Sudan	18. 6. 1957
Ghana	20. 5. 1957	Sweden	8. 9. 1926
Greece	30. 5. 1936	Switzerland	1. 2. 1929
Guatemala	2. 8. 1961	Syrian Arab Republic	26. 7. 1960
Haiti	19. 4. 1955	Tanzania:	
Hungary	19. 4. 1928	Tanganyika	30. 1. 1962
India	30. 9. 1927	Zanzibar	22. 6. 1964
Indonesia	13. 9. 1927	Trinidad and Tobago	24. 5. 1963
Iraq	30. 4. 1940	Tunisia	12. 6. 1956
Ireland	5. 7. 1930	Uganda	4. 6. 1963
Israel	5. 5. 1958	United Arab Republic	29. 11. 1948
Italy	15. 3. 1928	United Kingdom	6. 10. 1926
Ivory Coast	5. 5. 1961	Uruguay	6. 6. 1933
Jamaica	26. 12. 1962	Venezuela	20. 11. 1944
Japan	8. 10. 1928	Yugoslavia	1. 4. 1927
Kenya	13. 1. 1964	Zambia	2. 12. 1964

BOLIVIA

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

Areas where the Social Security Code is not in force are covered by the general labour legislation the enforcement of which is entrusted to the provincial and regional labour department heads and the labour inspectors.

A beneficiary resident abroad may return to the country in order to receive the amount of benefit due to him or appoint a legal proxy for that purpose. In the case

of compensation payable under the general labour legislation, the time limit for making such arrangements is two years, while three years are allowed in the case of payments from the Social Security Fund. Where the general labour legislation applies, the authorities mentioned in the foregoing paragraph are necessarily responsible for payment of employment injury benefit; if it is the Social Security Code which is applicable, this responsibility falls to the National Social Security Fund. All these rules apply without distinction to nationals and aliens.

CAMEROON

Western Cameroon

In reply to a direct request made by the Committee of Experts in 1965, the Government has supplied the following information.

Since June 1965 labour and welfare legislation has been dealt with at the federal level (article 5 of the Constitution), so that the Bill to modify Ordinance No. 59-100 of 31 December 1959 has had to be redrafted, since it will now have to be submitted to the National Federal Assembly.

Given the divergences existing between the provisions in force in each of the federated states, their harmonisation will call for comparative studies and consultations with the employers' and workers' organisations which may require some time.

The draft legislation eventually submitted will be in accordance with the provisions of the Convention.

CENTRAL AFRICAN REPUBLIC (First Report)

For legislation, see under Convention No. 17.

Article 1 of the Convention. The regulations respecting compensation for industrial accidents are applicable to all persons who work in any capacity or any place whatsoever for one or more employers. Section 27 of Act No. 65-66 stipulates that by virtue of the Equality of Treatment (Social Security) Convention, 1962 (No. 118), foreign workmen who are injured in an industrial accident or contract an occupational disease, or their dependants, continue to receive their pensions on the same terms as previously, even after they have ceased to reside in the Central African Republic.

Article 3. Legislation respecting compensation for industrial accidents has been in existence since the entry into force of the decree of 24 February 1957. Employment injury insurance has been managed by the Central African Social Security Office since 1 April 1959.

Article 4. Compensation for industrial accidents is now governed by Act No. 65-66 of 24 June 1965.

CHINA

In reply to a request made by the Committee of Experts in 1964, the Government has stated that a draft Labour Code has been communicated to the Executive Yuan; on approval, it will be transmitted to the Legislative Yuan for final examination.

CUBA

In reply to a direct request made by the Committee of Experts in 1965, the Government has stated that Act No. 1100 of 27 March 1963 respecting social security contains no provisions with regard to the payment of compensation to beneficiaries residing outside the country, this being evidence that such beneficiaries enjoy equality of treatment as required by Article 1 of the Convention.

CYPRUS

Social Insurance Law, No. 2 of 1964.

Article 1 of the Convention. Treatment in respect of workmen's compensation is the same under the law for all workers, irrespective of nationality. As regards payments to be made abroad, special arrangements have been made with the United Kingdom.

Article 2. No special agreements have been concluded.

CZECHOSLOVAKIA

Social Security Act of 4 June 1964 (*Sbírka Zákonů*, 15 June 1964, No. 44, Text No. 101) (*L.S.* 1964—Cz. 2 A).

In reply to observations made by the Committee of Experts in 1964, the Government has provided the following information.

In the field of social security Czechoslovak legislation makes no distinction between nationals and aliens. In regard to payment of benefits abroad, the equality of treatment required by Convention No. 19 is guaranteed by section 60 of the above-mentioned law, which provides that, unless otherwise decreed by international agreement, benefits shall not be paid abroad and the pensioner shall not be entitled to them during the period of his permanent residence abroad.

FRANCE

General Agreement of 19 January 1965 concerning social security, concluded between the Governments of France and Algeria (*Journal officiel*, 19 May 1965).

The above-mentioned agreement establishes the principle that the national legislation in force applies to all workers employed on the national territory, subject to exceptions concerning workers sent from one country to another for a maximum period of three years.

With regard to industrial accidents the above-mentioned agreement provides, *inter alia*, that there may be no restriction in respect of the payment of back-compensation to which entitlement was earned in the other country and that pension increases deriving from the legislation of the two contracting States are maintained in favour of persons who transfer their residence from one State to the other.

GABON

In reply to a request made by the Committee of Experts in 1965, the Government has supplied the following information.

The provisions of section 29 of Decree No. 57245 of 24 February 1957 are no longer applicable. The inter-state agreements of 17 August and 7 September 1961, which constitute the provisions applicable in this field, guarantee equality of treatment throughout Gabon, France and the States of the African and Malagasy Union.

As regards nationals of foreign States other than those mentioned above, equality of treatment is assured as long as those States do not refuse equality of treatment to nationals of Gabon.

In the course of the general legislative reform which is contemplated with the assistance of an expert of the I.L.O. for the purpose of drawing up a Social Security Code, every endeavour will be made to apply the provisions of the Convention expressly, so as to eliminate all possible ambiguity.

FEDERAL REPUBLIC OF GERMANY

Social Security Agreement signed on 25 April 1961 between the Federal Republic of Germany and the Kingdom of Greece (*Bundesgesetzblatt (BGBl.)*, Part II, 1963, p. 678), which came into force on 1 November 1963.

Social Security Agreement signed on 30 April 1964 between the Federal Republic of Germany and the Republic of Turkey (*BGBl.*, 21 Sep. 1965, Part II, No. 35, p. 1169) (not yet in force ¹).

Social Security Agreement signed on 6 November 1964 between the Federal Republic of Germany and the Republic of Portugal (not yet in force ¹).

See under Convention No. 17.

IRELAND

A new reciprocal agreement with Northern Ireland came into force on 5 October 1964. This agreement replaces and extends the earlier agreement made in 1953.

ITALY

Administrative Agreement of 4 June 1965 respecting the procedure for the implementation of the Italo-Argentine Social Security Agreement of 12 April 1961, which came into force on 1 January 1964.

Italo-Swiss Social Security Agreement of 14 December 1962 and complementary Administrative Agreement of 18 December 1963, which came into force on 1 September 1964.

IVORY COAST

Act No. 64-250 of 3 July 1964 to entrust the administration of the risks defined in the decree of 24 February 1957, as amended, to the insurance institutions for a further period of one year.

In reply to a request made by the Committee of Experts in 1964, the Government has provided the following information.

The decree of 24 February 1957, section 29 of which does not provide for any exception to the rule that a foreign injured workmen, or his dependant, who ceases to reside in the national territory also ceases to be eligible for benefit, was an enactment of a regional nature for territories under the authority of the French Ministry for Overseas Territories; in the normal way its provisions were subordinated to the French Social Security Act, which provides that the aforesaid rule may be modified by international treaties or agreements in accordance with the principle of reciprocity.

Section 7 of the above-mentioned Act No. 64-250 remedies the inadequacy of the decree of 24 February 1957 by providing that the treatment assured to nationals of the Republic of the Ivory Coast in respect of industrial accident compensation is also granted to foreign workers or their dependants, whatever their place of residence, provided that they are nationals of a State which guarantees reciprocal treatment to nationals of the Ivory Coast by virtue of a treaty concluded with the Ivory Coast, an agreement ratified by both countries or the legislative provisions in force in the said State.

The Government considers that these provisions bring the national legislation into accord with Article 1 of the Convention.

JAMAICA

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that, by virtue of section 10 (1) of the Workmen's Compensation Law, compensation payable where the death of a workman has resulted from an injury shall be paid into the Court. Any sum so paid shall be apportioned among all the

¹ At the date of submission of the Government's report.

dependants of the deceased workman in such proportion as the Court thinks fit, or may, at the discretion of the Court, be allotted to any one such dependant; the sum so allotted to any dependant shall be paid to him, or be invested, applied or otherwise dealt with for his benefit, in such manner as the Court thinks fit.

KENYA

In reply to a request made by the Committee of Experts the Government has stated that, although no legislative provision exists for the transfer of sums awarded under the Workmen's Compensation Act to beneficiaries residing in foreign countries which are not members of the Commonwealth, by administrative arrangements any compensation due to foreign workers is normally paid through their respective embassies for transfer, with a view to disposal, to a competent authority in the country where the workman or his dependants are residing. Where there is no embassy of the country concerned in Kenya, the money is transferred to Kenya embassies overseas for disposal. Cases of such a nature have been very few and no difficulties have been experienced in settling them.

LUXEMBOURG

Act of 26 February 1965 to approve the Agreement concerning social security concluded between the Grand-Duchy of Luxembourg and Spain and the special protocol signed at Luxembourg on 22 June 1963 (*Mémorial A*, 29 Mar. 1965, No. 15).

Act of 30 June 1965 to approve the Agreement of 12 February 1964 modifying the Agreement concerning social security for frontier workers concluded between the Grand-Duchy of Luxembourg and the Kingdom of Belgium and signed at Luxembourg on 16 November 1959.

MALAGASY REPUBLIC

In reply to a request made by the Committee of Experts in 1964, the Government has indicated that the case of aliens who transfer their residence to countries other than those mentioned in the relevant legislation—Madagascar, France, the French overseas departments and territories and the States of the African and Malagasy Union—is regulated by a provision which stipulates that compensation shall be paid to such aliens in the form of a lump sum equal to three times the yearly pension granted to them.

MALAYSIA

Sarawak

In reply to a direct request made by the Committee of Experts in 1965, and concerning procedures for paying workmen's compensation to dependants residing abroad, the Government has stated that, under section 42 of the Workmen's Compensation Ordinance, sums awarded are transferred to and administered by a competent authority in any part of the Commonwealth, provided that an arrangement to this effect has been concluded between the two governments concerned.

MAURITANIA

In reply to a direct request made by the Committee of Experts in 1965, the Government has indicated that a draft decree to modify section 29 of Decree No. 57245 of 24 February 1957 is now being submitted to the legislature and will be communicated to the Committee of Experts after approval.

NICARAGUA

In reply to requests and observations made by the Committee of Experts in previous years, the Government has stated that claimants for industrial accident compensation do not have to fulfil any condition of residence in the Republic, whether they are nationals or aliens residing outside the country. The Government has added that undertakings are forbidden by law to make any exception in the payment of compensation on the ground that the claimant or his dependants reside outside the country, and that claimants may initiate legal proceedings in case of non-payment. Insured persons and beneficiaries covered by the National Social Security Institute, whether nationals or aliens, who reside outside the country receive their pensions punctually through agents or in such other manner as they may choose.

PORTUGAL

General Social Security Agreement of 20 January 1962 between Portugal and Spain approved by Legislative Decree No. 44254 (*Diário do Governo (D.G.)*, 26 Mar. 1962, No. 67, Series I).

General Social Security Agreement of 6 November 1964 between Portugal and the Federal Republic of Germany approved by Legislative Decree No. 46258 of 19 March 1965 (*D.G.*, 1965, No. 66, Series I).

General Social Security Agreement of 12 February 1965 between Portugal and Luxembourg, approved by Legislative Decree No. 42278 of 17 April 1965 (*D.G.*, 1965, No. 84, Series I).

In reply to a request made by the Committee of Experts in 1964, the Government has stated that the mere fact that a country has ratified the Convention is not sufficient to ensure that the principle of reciprocal treatment embodied in Portuguese legislation is applied to that country, since it must first be ascertained whether the country in question is prepared to grant equal treatment to Portuguese nationals in identical circumstances.

RWANDA

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that if absolutely necessary it could envisage the revision of the Act of 15 November 1962 in order to bring it into line with the provisions of the Convention. The matter is still under consideration and may be resolved very shortly.

SPAIN

In reply to a request made by the Committee of Experts in 1964, the Government has stated that in both African provinces nationals and aliens effectively receive equality of treatment in respect of workmen's compensation in all cases where alien workers residing in the said provinces are protected by treaties or agreements guaranteeing such treatment. Thus in practice the principle of reciprocity is in line with the requirements of the Convention.

SUDAN

Article 1 of the Convention. In reply to a request made by the Committee of Experts in 1964, the Government has indicated that the remittance of savings and compensation is usually regulated by resolutions adopted by the Council of Ministers.

Article 2. Agreements have been made between the Government and foreign companies constructing dams and bridges in the Sudan.

SWEDEN

Royal Order No. 118 of 14 May 1954 respecting the exemption of nationals of Mali, Malta and Zambia from certain provisions of Act No. 243 of 14 May 1954 respecting insurance against employment injuries.

Royal Order No. 38 of 13 March 1964 respecting the exemption of nationals of Mauritania, Trinidad and Tobago, and Uganda from certain provisions of Act No. 243 of 14 May 1954 respecting insurance against employment injuries.

The above orders extend equality of treatment in respect of employment injury compensation to nationals of Mali, Malta, Zambia, Mauritania, Trinidad and Tobago, and Uganda.

SYRIAN ARAB REPUBLIC

In reply to a request made by the Committee of Experts in 1964, the Government has indicated that no ruling concerning the transfer of pensions abroad has as yet been made under section 94 of Law No. 92 of 1959. The Government adds in its report that the Welfare Insurance Board is working out proposals on the basis of which the contemplated ruling will be made, and that it is hoped that a ministerial order will shortly be drafted.

TANZANIA

Tanganyika

In reply to requests made by the Committee of Experts in 1964, the Government has provided the following information.

No regulations have been made under section 45 of the ordinance concerning the transfer of workmen's compensation funds abroad. In the case of East African countries the funds are sent to the appropriate foreign government department or directly to the injured persons or their certified dependants. In the case of other African countries transfers have been made via the Treasury of the country concerned.

In some instances it has been found impossible to trace dependants living abroad. From 1960 to 1965 compensation was paid abroad in respect of 13 cases in Commonwealth countries and four cases in non-Commonwealth countries.

UGANDA

For legislation, see under Convention No. 17.

Article 1 of the Convention. The legislation applies equally to foreigners and indigenous workers. Section 44 of the Workmen's Compensation Ordinance enables regulations to be made to facilitate payment of compensation to workmen becoming resident in the United Kingdom or other parts of Her Majesty's Dominions. Compensation due to persons in neighbouring countries is paid either through diplomatic representatives or administrative officers of the country concerned.

Article 2. Compensation is provided for foreign nationals whether temporarily or intermittently employed. There are no special arrangements.

Article 3. Provision has been made for a system of workmen's compensation for industrial accidents.

UNITED KINGDOM

A reciprocal agreement with Guernsey relating to industrial injuries insurance came into force on 24 May 1965. It provides that industrial injuries benefits for which a person has qualified under the Great Britain scheme may be paid in Guernsey and extends the cover of the Great Britain industrial injuries insurance scheme to temporary employment in Guernsey. This agreement was extended to Northern Ireland by an order signed on 23 August 1965.

A revised reciprocal agreement has been concluded with the Irish Republic. This agreement supersedes the agreement concluded between Northern Ireland and the Irish Republic in 1953 and extends the circumstances in which industrial injury benefit may be paid in the Irish Republic.

ZAMBIA

Workmen's Compensation Ordinance, No. 65 of 1963.

Article 1 of the Convention. Section 3 (3) of the ordinance, which defines the term workman, does not distinguish between national and foreign workers.

Section 122 of the ordinance gives the President powers to make rules providing for reciprocity of treatment with a foreign State or any member of the Commonwealth. Section 11 provides that, in the case of workmen suffering an accident when temporarily employed outside Zambia by employers whose business is chiefly in Zambia, the workmen shall be entitled to compensation in the same manner as if the accident had happened in Zambia.

Article 2. No special arrangements have been made.

Article 3. The Workmen's Compensation Ordinance complies with the requirements of this article.

The Workmen's Compensation Ordinance is administered by the Workmen's Compensation Commissioner, who is also Chairman of the Workmen's Compensation Fund Control Board. At present officers of the Labour Department assist in enforcement but ultimately the Board will employ its own inspectors.

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

Argentina, Australia, Austria, Bolivia, Cameroon (Eastern Cameroon and Western Cameroon), Central African Republic, Chile, Cuba, Cyprus, Czechoslovakia, Finland, France, Gabon, Federal Republic of Germany, Greece, Guatemala, Ireland, Israel, Ivory Coast, Jamaica, Luxembourg, Malagasy Republic, Malawi, Malaysia (States of Malaya), Mauritania, Nicaragua, Nigeria, Peru, Poland, Portugal, Singapore, Somalia (ex-Trust Territory), Spain, Sudan, Sweden, Switzerland, Tanzania (Tanganyika), Uganda, United Kingdom, Zambia.

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

Belgium, Brazil, Bulgaria, Burma, Congo (Leopoldville), Denmark, Ghana, Hungary, India, Iraq, Japan, Malta, Mexico, Morocco, Netherlands, Norway, Pakistan, Sierra Leone, Tunisia, United Arab Republic.

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
Brazil	18. 6. 1965	New Zealand	29. 3. 1938
Bulgaria	29. 11. 1929	Nicaragua	12. 4. 1934
Burma	14. 1. 1928	Norway	28. 1. 1957
Colombia	20. 6. 1933	Pakistan	14. 1. 1928
Cuba	7. 9. 1954	Sweden	28. 1. 1957
Czechoslovakia	25. 5. 1928	United Kingdom ¹	16. 9. 1927
Denmark	18. 5. 1955	Uruguay	6. 6. 1933
Finland	5. 4. 1929	Venezuela	20. 11. 1944
France ¹	13. 1. 1932		
Hungary	3. 2. 1931		
India	14. 1. 1928		

¹ Conditional ratification.

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

The report from *Nicaragua* repeats the information previously supplied.

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	Malta	4. 1. 1965
Australia	1. 4. 1935	Mauritania	8. 11. 1963
Belgium	3. 10. 1927	Mexico	12. 5. 1934
Brazil	18. 6. 1965	Morocco	14. 3. 1958
Bulgaria	29. 11. 1929	Netherlands	15. 12. 1937
Burma	31. 10. 1932	New Zealand	29. 3. 1938
Canada	30. 6. 1938	Nicaragua	12. 4. 1934
Chile	18. 10. 1935	Norway	29. 3. 1940
China	2. 12. 1936	Pakistan	31. 10. 1932
Colombia	20. 6. 1933	Peru	4. 4. 1962
Cuba	7. 7. 1928	Poland	8. 8. 1931
Finland	8. 4. 1947	Sierra Leone	15. 6. 1961
France	4. 4. 1928	Singapore	25. 10. 1965
Federal Republic of Germany	20. 9. 1930	Somalia (ex-Trust Territory)	18. 11. 1960
Ghana	18. 3. 1965	Spain	23. 2. 1931
India	31. 10. 1932	United Kingdom	14. 6. 1929
Ireland	5. 7. 1930	Uruguay	6. 6. 1933
Italy	10. 10. 1929	Venezuela	20. 11. 1944
Japan	22. 8. 1955	Yugoslavia	30. 9. 1929
Luxembourg	16. 4. 1928		

ARGENTINA

See under Convention No. 13.

FINLAND

Act of 8 January 1965 to amend the Act respecting the signing on and off and the registration of seamen.

Order of 4 May 1965 to amend the order respecting the implementation of the Act on the signing on and off and the registration of seamen.

The above-mentioned Act stipulates that, in respect of a home trade vessel, signing on and off means an agreement of employment confirmed with the signatures of the parties concerned and duly given notice on the termination of the employment relationship; the relevant documents are required to be communicated by the employer to the registration officer or to the national board for registration.

The above-mentioned order lays on the master the obligation to ascertain that no person is engaged as crew whose name is not entered in the ship's articles or mentioned in the signing on certificate.

FEDERAL REPUBLIC OF GERMANY

In reply to an observation made by the Committee of Experts the Government has stated that the comments made by the Committee in 1964 and 1965 concerning compatibility between section 63 of the Seamen's Act of 1957 and Article 9 of the Convention are still the subject of consultations between the Government and the social partners concerned with maritime navigation, and that additional information will be supplied when these consultations have been concluded.

MAURITANIA (First Report)

Merchant Shipping and Deep-Sea Fishing Code, Act No. 62-038 of 20 January 1962 (*Journal officiel de la République islamique de la Mauritanie*, 21 Feb. 1962, p. 116).

Chapters III and X of Book III of the above-mentioned Code apply the Convention.

The implementation of the relevant provisions is entrusted to the Chief of the Maritime Department of Port-Etienne.

MEXICO

In reply to an observation made by the Committee of Experts, the Government has stated that, with a view to dissipating any doubt which the Committee may harbour with regard to the effective application of the Convention in Mexico, due to the great diversity of the country's labour legislation, it intends to make public the terms of the Convention (which by virtue of article 133 of the Constitution has become an integral part of the national legislation) by incorporating a note in section 146 of the Federal Labour Act to indicate that the provisions of Article 9, paragraph 1, of the Convention have acquired the force of law in Mexico.

MOROCCO

In reply to an observation made by the Committee of Experts in 1964 concerning the application of Article 9, paragraph 1, of the Convention, the Government has stated that the granting of permission by the maritime authorities to sign a seaman off in a foreign port is a mere formality, and that except in special circumstances these authorities never refuse such permission. The maritime authorities are responsible for supervising the application of the provisions of Article 9, paragraph 3, of the Convention concerning the notice to be given by the seaman.

NEW ZEALAND

Shipping and Seamen (Amendment) Act, 1964.

Article 5, paragraph 2, of the Convention. In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that section 58 of the principal Act of 1952 has been amended by the omission of the provision to the effect that the master's report has to be entered in the certificate of discharge. The position is thus restored to what it was before the 1959 amendment, so that the master's report is required to be entered in the certificate of discharge only if the seaman so requests; the seaman accordingly has the option of having a character report separate from his certificate of discharge.

NICARAGUA

In reply to observations made by the Committee of Experts, the Government has stated that it plans to amend the Labour Code.

Article 6 of the Convention. Section 153 of the Code will be amended so as to provide that the agreement referred to in section 41 shall give the place and date of birth or age of the seaman; the name of the ship on board which he is to serve; the total number of the crew of that ship; the place at and the date on which the seaman must present himself for the commencement of his service; and the rations which he is to receive.

Articles 13 and 14. Sections 161 and 157 of the Code will be amended in order to give full effect to the provisions of the Convention.

NORWAY

Section 15 of the Seamen's Act of 1953 has been amended by an Act of 19 June 1964 with a view to reducing to 12 months the specified period at the end of which seamen are free to give notice under the terms of section 13 (1) of the Act of 1953 at any port where their vessel calls to load or unload.

POLAND

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that, under section 29, paragraph 1, of the Act of 28 April 1962, Polish seamen who terminate their articles of agreement in a foreign port are obliged to return to their country unless they have obtained authorisation for a stay abroad from the competent Polish authorities. However, the Act makes no provision for any penalty for seamen who fail to comply with this obligation; nor is there any body which is empowered to summon seamen to return.

SINGAPORE

In reply to a direct request made in 1965 by the Committee of Experts, the Government has included in its report the text of paragraphs 63, 67, 68 and 69 of the Instructions for the Use of Officers in the Dominions, Colonies and Protectorates. These paragraphs relate, respectively, to discharge by mutual consent, the report of character, endorsement of the report of character and procedure in connection with the report of character.

In addition the Government has forwarded a sample copy of the Agreement for Foreign-Going Ships, which contains instructions to masters. These instructions apply certain Articles of the Convention.

SOMALIA

Ex-Trust Territory

In reply to a direct request made by the Committee of Experts, the Government has stated that a general revision of the Maritime Code is now being undertaken and that the observations of the Committee have been conveyed to the Ministry of Communications and Transport. The attention of this ministry has been drawn to the need for amending the national legislation to bring it fully into harmony with the provisions of the Convention (Article 6, paragraph 3 (10) (c); Article 9, paragraphs 1 and 2; and Articles 4, 8, 13 and 14).

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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, Burma, France, Sierra Leone.

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

Australia, Bulgaria, Canada, Chile, Cuba, India, Ireland, Italy, Japan, Luxembourg, Malta, Netherlands, Pakistan, Peru, Spain, United Kingdom.

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

ARGENTINA

See under Convention No. 13.

IRELAND

In reply to a direct request made by the Committee of Experts in 1964 concerning the application of Article 3, paragraph 1, of the Convention, the Government has stated that, although in its opinion there is in practice no departure from the provisions of the Convention regarding seamen discharged outside the State, codification of existing merchant shipping legislation is under consideration and the Committee's observations will be borne in mind for any necessary modification.

MAURITANIA (First Report)

Merchant Shipping and Deep-Sea Fishing Code, Act No. 62-038 of 20 January 1962 (*Journal officiel de la République islamique de la Mauritanie*, 21 Feb. 1962, p. 116).

Article 1 of the Convention. No tonnage limit in respect of vessels engaged in home trade is fixed for the application of the legislation.

Article 2. The Code defines the terms "seafarer", "master", "shipowner" and "vessel".

Articles 3 to 5. Chapter IX of Book III of the Code applies these Articles.

NICARAGUA

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

Article 3, paragraph 2, of the Convention. Section 154 of the Labour Code stipulates it shall always be the duty of the employer, before terminating a contract, to take the seamen back to the place or port specified in section 153, even in case of shipwreck, but not in cases where the seaman has been sentenced to a term of imprisonment for an offence committed abroad or in any other similar case where it is absolutely impossible for the employer to comply with the said obligation.

The Government has stated that, while the national legislation binds the employer to take the seaman back to the port specified, it is natural that he should seek to lessen

the burden of expense by finding suitable employment for the seaman on board a ship headed for one of the destinations mentioned in the contract (or in the law); if the seaman accepts such employment, the agreement reached between the two parties, and concluded without restrictions or coercion of any kind, meets the requirements of the Convention, and this constitutes an exception to the employer's obligation laid down in section 154 of the Code.

Paragraph 3. Section 153 of the Labour Code provides that, in agreements concluded for a fixed or indefinite period, the parties shall fix the place to which the seaman is to be taken back, failing which the place at which the seaman embarked shall be deemed to be the place in question. The Government has pointed out that if a seaman wishes to be taken back to a place other than the port of embarkation he will obviously take care so to specify in the agreement.

Paragraph 4. Since the national legislation makes no distinction between nationals and aliens for the purpose of labour protection, the provisions of section 153 of the Labour Code are applicable. Hence, if the port of embarkation is in Nicaragua the remarks made in connection with Article 3, paragraph 3, apply; in all other cases, the principle of *lex loci contractus* will be applied to settle any doubts as to jurisdiction.

Articles 4 and 5. The employer's obligation to defray the expenses of repatriating seamen, including transportation, accommodation and living expenses during the voyage, is covered by sections 154, 156 and 162 of the Labour Code. Article 89 of the Political Constitution provides that all services shall be fairly compensated except those gratuitously rendered by virtue of a law or of a decision founded on the law. The expenses involved in repatriating seamen do not constitute compensation for services and do not entitle the employer to require any service to be performed in return for them, and, if this were so, due and proper compensation would be payable.

PERU

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

By virtue of the provisions of the Harbour Masters' and Merchant Navy Regulations, repatriation is compulsory in certain cases and is prescribed under paragraph 690 in case of shipwreck, damage to the ship of such a nature that it is impossible to continue navigating, or sale by court order. In case of sickness, if this is not caused by the work performed, the shipowner is not obliged to repatriate the seaman; he is bound to do so only in case of an employment injury which incapacitates the seaman for his work. In case of sickness not attributable to employment, the Peruvian authorities are responsible for the repatriation of the seaman. By virtue of the general constitutional principle that Peruvian nationals and aliens enjoy equal rights in regard to repatriation, the same rules apply to aliens as to Peruvian nationals.

PHILIPPINES

In reply to a direct request made by the Committee of Experts in 1964, the Government has indicated that in case of the inability of the vessel to navigate due to the negligence or lack of skill of the captain, engineer, or sailing mate, the crew shall be compensated for the loss suffered, such compensation covering the cost of the crew members' repatriation to their port of hire or to the sailing port of the vessel. In case of the inability of the vessel to navigate due to causes not attributable to the negligence or lack of skill of the captain, engineer, or sailing mate, or in case of total loss of the vessel by reason of capture or wreck, all contractual relations between the seamen and the owner of the vessel or the person who contracted for their services are dissolved.

The Government has stated that if effect were to be given to the provisions of Article 4, clauses (b) and (d), of the Convention, it would be necessary to adopt new legislation which, however, might be in contradiction with the provisions of sections 1231 (2) and 1262 of the Civil Code.

The Government has also referred to section 634 of the Code of Commerce, according to which parties concerned are free to include in an agreement a stipulation concerning repatriation.

There is nothing in the provisions of sections 634 to 645 of the Code of Commerce which would imply any difference in treatment with regard to the application of the provisions on repatriation in respect of Philippine seamen and seamen of foreign nationality engaged on board vessels registered in the Philippines.

SPAIN

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that the legislation in force respecting the repatriation of seamen is applicable to vessels registered in ports in the African provinces.

YUGOSLAVIA

Act of 17 February 1965 respecting the composition of crews of vessels of the merchant navy (*Službeni List (S.L.)*, 24 Feb. 1965, No. 8, Text No. 104).

Act of 17 February 1965 respecting the registration of sea-going vessels (*S.L.*, 1965, No. 8).

Articles 1 and 2 of the Convention. The legislation mentioned above applies to all vessels of the merchant navy. No exceptions are provided for.

Article 3. In accordance with section 12 of the Act respecting the composition of crews of vessels of the merchant navy, the shipowner must provide for the repatriation of any seaman who is landed during the engagement or at its expiry at a port other than the port of his embarkation.

A seaman, according to section 14 of the same Act, shall be deemed to have been duly repatriated if he has been provided with suitable employment on board a vessel proceeding to the port of his embarkation.

Under section 15 of this Act, the shipowner must provide for the repatriation of a foreign seaman if the country of which he is a national extends reciprocal treatment to Yugoslav seafarers.

Article 4. According to section 13 (1) and (2) of the Act, the expenses of repatriation are borne by the shipowner. However, if a member of the crew lands without permission and in this way terminates his employment through his own fault, or if he lands because of injury or illness due to his own wilful action or default, the shipowner is entitled to compensation.

Article 5. According to section 13 the expenses of repatriation include the transport charges, the accommodation and food of the seaman from the landing to his arrival at the port of embarkation or his place of residence.

Article 6. Section 12 (2) of the same Act lays down that if a shipowner does not provide for repatriation, repatriation will be arranged at the expense of the shipowner by the competent consular or port authority. This provision applies also to foreign nationals provided there is reciprocity.

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

Belgium, Bulgaria, China, Cuba, France, Federal Republic of Germany, Italy, Luxembourg, Mexico, Netherlands, Poland, Somalia (ex-Trust Territory), Switzerland.

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Luxembourg	16. 4. 1928
Austria	18. 2. 1929	Nicaragua	12. 4. 1934
Bulgaria	1. 11. 1930	Norway	29. 5. 1961
Chile	8. 10. 1931	Netherlands	15. 11. 1965
Colombia	20. 6. 1933	Peru	8. 11. 1945
Czechoslovakia	17. 1. 1929	Poland	29. 9. 1948
Ecuador	5. 2. 1962	Rumania	28. 6. 1929
France	17. 5. 1948	Spain	29. 9. 1932
Federal Republic of Germany	23. 1. 1928	United Kingdom	20. 2. 1931
Haiti	19. 4. 1955	Uruguay	6. 6. 1933
Hungary	19. 4. 1928	Yugoslavia	30. 9. 1929

AUSTRIA

Federal Pension Reassessment Act of 28 April 1965 (*Bundesgesetzblatt*, 30 Apr. 1965, No. 32, Text No. 96, p. 629).

The above-mentioned Act has amended the provisions of section 5 (2) of the General Social Insurance Act with respect to "occupations considered unimportant" and consequently excluded from insurance.

BULGARIA

In reply to a request made by the Committee of Experts in 1964, the Government has stated that the provisions referred to in connection with section 28 of the Penal Code, in which suspension of the pension is provided for as an additional penalty, do not concern this Convention. The Convention deals with the right to short-term sickness insurance for the period of an insured person's temporary incapacity, whereas the pension is a long-term form of insurance with which the instrument is not concerned.

FRANCE

Decree No. 64-692 of 2 July 1964 amended the conditions for acquiring the right to entitlement to the maintenance of daily payments beyond the sixth month after stopping work. In future the persons concerned must have been insured for a year at the date of stopping work and have performed 480 hours of paid work during that year, 120 of them during the first three months of the period in question. Nevertheless, the former conditions remain in force when work is stopped as a result of an accident.

NICARAGUA

In reply to observations and requests made by the Committee of Experts in previous years, the Government has supplied the following information.

The Act of 22 December 1955 respecting social security set up the National Social Security Institute.

Article 2 of the Convention. All manual and non-manual workers, including apprentices, employed by industrial or commercial undertakings, as well as out-workers and domestic servants, are covered by the Act (section 61).

Among those exempt from the compulsory insurance scheme are children under the age of 14, persons who are over the age of 60 at the time of entering the service of another person or body corporate, and the spouse, father and children of an employer who work for him without remuneration. The scheme covers seamen and fishermen.

Article 3. Insured persons are entitled to cash benefit for the duration of their incapacity, up to a maximum of 26 weeks. Payment of benefit is suspended for such time as the insured person receives remuneration for work performed, or for paid holidays, or any other form of benefit, or when he refuses or abandons the medical treatment prescribed, or acts in any way contrary to the doctor's orders. The benefit is not paid if the injury or sickness was caused deliberately or during a brawl in which the insured person took part of his own free will or by the immoderate use of alcohol or narcotic drugs.

Article 4. Insured persons are entitled to medical and surgical assistance, both general and specialised, hospital care and the supply of proper and sufficient medicines for a period of 26 weeks which may be extended for a further 26 weeks by authorisation of the Governing Body of the National Social Security Institute.

Article 5. The wife or person living as the wife of an insured person is entitled to medical assistance in connection with maternity.

Article 6. The National Social Security Institute is an independent state body with its own financial resources, having legal personality and full legal capacity; it is a non-profit-making organisation. It is under the authority of the Governing Body of the National Assistance and Social Welfare Board, on which workers employed by the State and in the private sector are represented.

Article 9. An insured person may appeal against the decisions of the management of the Institute to the Governing Body, and in turn against a ruling of the latter before the High Labour Court.

Although the social security scheme is in principle applicable to all workers, section 42 of the Act provides that it will be extended gradually to cover the various risks in progressive stages and by geographical areas. The Institute has been expanding its scope progressively: originally, its activities covered only the urban area of the national district of Managua, extending subsequently to the suburban area but excluding agricultural workers, domestic servants and independent workers.

In May 1965 the Institute signed a contract with the firm of Nicaragua Sugar Estates Limited, taking over risks that included the risk of illness in the company's agricultural undertakings and industrial plant. By virtue of Decree No. 80 of 2 September 1965 of the Governing Body, insurance was extended to the urban zone of Tipitapa, covering workers at the plant of Plywood de Nicaragua, S.A., and all workers, including agricultural workers, in undertakings located in an area extending one kilometre on either side of the Pan American Highway between the cities of Tipitapa and Managua. This decree excluded domestic workers and independent workers.

PERU

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. 3 A).

Sickness insurance for wage earners continues to be governed by Act No. 8433 of 1937 and the regulations for its implementation, whereas salaried employees' social security is now governed by Act No. 13724 of 18 November 1961. This Act covers, *inter alia*, salaried employees in private employment in industry, commerce and service trades, and is applicable to the whole of the Republic without exception. The particulars which follow all refer to the salaried employees' social security scheme.

Article 2 of the Convention. Act No. 13724 provides for no exceptions to be made in respect of temporary or casual employment or because earnings exceed any limit (in this connection section 17 of the Act provides that, where remuneration is over 7,000 soles, the insurable salary shall be 7,000 soles). Furthermore, since this Act applies to employees who are always paid in cash, the problem of excluding workers who are not paid in cash does not arise. Neither does the Act make any exception in respect of persons above a certain age limit or members of the employer's family.

Furthermore, section 46 of the Act provides that undertakings or associations of employers and salaried employees which can prove that they are better placed than the social security scheme to assume responsibility for the benefits granted by the latter are entitled to apply to the Central Council for permission to grant such benefits themselves. Medical services organised in this manner are supervised by the Management Committee of the Sickness and Maternity Fund.

Article 3. A daily cash allowance is payable to insured persons with the exception of public employees, who are granted greater benefits directly by the State. This allowance is granted from the thirty-first day of incapacity (the employee being entitled to his full salary during the first 30 days) until the incapacity ceases or until such date as is fixed by a medical practitioner, but may not be granted for longer than 11 consecutive months. The rate of the allowance is equal to one-thirtieth of 70 per cent. of the basic monthly salary. Where hospital care is required certain deductions may be made from the allowance if the insured person has no dependants. To qualify for the allowance an insured person must have paid at least four monthly contributions during the last six months preceding the month in which the sickness begins (except in the case of accidents, where it suffices for the person to be insured).

Under section 72 of the Act no person may draw daily maternity and sickness benefit simultaneously. Nor is it permissible, under section 127 of the Act, to receive daily sickness or maternity allowances concurrently with a retirement, old-age or disability pension. Under section 70 payment of the allowance may be suspended or reduced if the beneficiary fails to comply with the instructions given by the medical practitioner.

Article 4. Section 73 of the Act guarantees the right of insured persons to the provision of medical and para-medical services and any other form of treatment available in medical institutions authorised by the Ministry of Public Health and Social Welfare, whether preventive or curative. Treatment benefit covers both medical and hospital care and is granted for such time as the insured person is or would otherwise be entitled to daily sickness allowances, including the initial 30-day period of incapacity. Hospital care may not be provided for longer than 12 months in any period of 24 months, though the Management Committee may prescribe certain diseases for which the period of hospital care may be prolonged to the extent necessary to enable the patient to recover his capacity for work, on condition that the reserve is not allowed to fall below the prescribed amount.

Insured persons may choose between receiving treatment directly and making their own arrangements. Under the first alternative treatment is provided through the Fund's own services and is free of charge, whereas under the free-choice system the Fund, in accordance with a scale, bears part of the cost of medical and clinical treatment and ancillary services and the full cost of pharmaceutical products.

Except in the case of accidents, both ordinary and occupational, to qualify for medical benefit an insured person must have paid at least four monthly contributions during the last six months preceding the month in which sickness begins. When the Act is amended the possibility will be considered of granting sickness benefit without requiring a qualifying period, but this step cannot be taken immediately as it would

be necessary to raise contributions to maintain the balance between income and expenditure on benefits.

Article 6. The salaried employees' social security scheme is an independent body corporate subject to the public law of Peru, and provides coverage against the contingencies of sickness, maternity, disability, old age and death. Membership is compulsory, and the scheme consists of two branches, namely a Sickness and Maternity Fund and a Pension Fund. The scheme is managed by a Central Council and administered by the Management Committees of the two Funds, and there is also a Supervisory Committee which is responsible for inspection and supervision. The Government's report describes in detail the composition and functions of these bodies. The insured persons are represented on all of them.

Article 7. The Sickness and Maternity Fund is financed by contributions from insured persons, employers and the State.

Article 9. Insured persons have a right of appeal in the event of dispute. No disputes arise in practice in connection with the direct treatment service, but the free-choice system does give rise to disputes in respect of reimbursement, an excessive number of visits or prescriptions for medical supplies, etc. In such cases the employee may appeal to the Claims Section, against whose ruling he may appeal to the Medical Arbitration Board, a tripartite body.

In reply to an observation and request made by the Committee of Experts in 1965, the Government has stated that the committee set up to reform the social security scheme will bear in mind the purport of the remarks made by the Committee of Experts.

POLAND

The sickness and maternity insurance scheme has been extended to additional population groups, including lawyers, journalists and handicrafts workers.

RUMANIA

Constitution of 21 August 1965 (*Buletinul Oficial*, 21 Aug. 1965, No. 1, p. 1).

Resolution of 20 August 1965 of the Council of Ministers of the Socialist Republic of Rumania and of the Central Council of Trade Unions respecting the granting of material benefits under state welfare insurance schemes (*Colecția*, 21 Aug. 1965, No. 33, Text No. 880).

The Constitution provides, under article 20, that "citizens are entitled to material security in their old age and in case of sickness or incapacity for work".

The provisions of the above-mentioned resolution apply to all wage earners, whether employed on a permanent, temporary or seasonal basis (paragraphs 1 to 4 of the resolution).

As a general rule sickness benefit is paid as from the first day of incapacity for work and until the worker is cured or is granted an incapacity pension (paragraph 2). Applications for a pension may be submitted when incapacity for work has lasted for more than six months during a one-year period; however, certain exceptions in favour of insured persons are provided for under paragraph 27.

The period during which the daily allowance is paid is reduced to 65 working days a year in the case of temporary or seasonal wage earners who meet the special requirements for entitlement to this allowance (they must have worked for four out of the 12 previous months, or for ten months over the two previous years; this requirement is, however, waived if incapacity for work is due to an employment injury) (paragraphs 2 and 3).

Cash benefit is not paid for temporary incapacity if the insured person does not follow the prescribed medical treatment, does not submit to the compulsory medical examination to check on the course of the disease or simulates illness (paragraph 25).

The resolution deals solely with cash benefits under the sickness insurance scheme; medical care for wage earners is guaranteed by other legislative instruments (section 110 of the Labour Code, Decrees Nos. 208 of 28 May 1954 and 246 of 29 May 1958, in particular). However, paragraph 12 of the resolution provides for allowances for the purchase of artificial limbs, teeth or eyes, hearing aids, abdominal supports, and orthopaedic appliances.

Wage earners are exempted from the payment of social insurance contributions.

The right of appeal in case of dispute concerning entitlement to benefit is covered by paragraph 31.

SPAIN

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

Article 2 of the Convention. Practically all foreign workers residing in Spain are protected by the legislation respecting sickness insurance on the same terms as Spanish nationals, either because they are citizens of one of the countries listed in section 8 of Act No. 193 of 1963 or because they are nationals of countries with which social security agreements have been concluded or with which tacitly or expressly recognised rules of reciprocity have been established.

Article 3. Although the reason for maintaining the requirement that sickness must last for at least seven days is to prevent malingering, the matter is being reviewed, and it should be possible to shorten this period in the measures enacted for the implementation of the aforementioned basic Act.

African Provinces.

These provinces have special features which make it impracticable to apply to them in their entirety the laws and regulations in force for the rest of Spain, in this case mainly because of the obstacles to be overcome in respect of joining the scheme and paying contributions. However, inhabitants of these provinces enjoy the same benefits as other Spanish nationals; benefits are payable by the employer, this being a transitional measure to prevent workers from being unprotected until it becomes possible to extend the general legislation to them.

In the equatorial provinces workers are covered against sickness either by virtue of the international agreement concluded between Spain and Nigeria or by the employers themselves. In the provisions now being framed account will be taken of the opinion expressed by the Committee of Experts.

Section 108 of the order of 2 March 1954 continues to be in force for the West African provinces. To cite a specific instance, in Ifni undertakings and employers collaborate with medical practitioners in providing optional medical care for their salaried and wage-earning employees, bearing the cost of pharmaceutical products prescribed. If hospital care is necessary it is provided in the state-run provincial hospital. The introduction of sickness insurance of the same type as that in the other provinces is now under consideration, and in all cases cash compensation is payable for loss of earnings due to sickness.

UNITED KINGDOM

See under Convention No. 17, especially as regards the abolition of prescription charges.

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

Austria, Chile, Czechoslovakia, France, Federal Republic of Germany, Luxembourg, Nicaragua, Norway, Peru, Poland, Rumania, United Kingdom.

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

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Countries	Ratification registered on	Countries	Ratification registered on
Austria	18. 2. 1929	Norway	29. 5. 1961
Bulgaria	1. 11. 1930	Netherlands	15. 11. 1965
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
Nicaragua	12. 4. 1934		

BULGARIA

Decree No. 803 of 30 December 1964 of the Praesidium of the National Assembly to repeal section 150 (a) of the Labour Code (*D'rzhaven Vestnik*, 5 Jan. 1965, No. 1).

The above decree repeals section 150 (a) of the Labour Code, which fixed unfavourable conditions for rates of sickness benefit in the case of "workers and employees of state farms and persons working on co-operative farms". Since 1 January 1965 the general provisions (section 150 of the Labour Code) apply also to agricultural workers.

See also under Convention No. 24.

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For information relating to the following countries, see under Convention No. 24:

Austria, Nicaragua, Peru, Spain.

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

Austria, Chile, Czechoslovakia, Federal Republic of Germany, Luxembourg, Nicaragua, Norway, Peru, Poland, United Kingdom.

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		

BOLIVIA

Difficulties were encountered in implementing the Act of 6 January 1944, and the implementation process was therefore suspended. The minimum wage continues to be determined in the same way as prior to 1944, i.e. by the issue of a presidential decree whenever the economic circumstances of the country so require. The most recent legislation on minimum wages dates back to 30 October 1958 and relates to factory workers; the scope of the legislation was extended in 1959 to include workmen employed by private mining companies and drivers. Since 1959 the various sectors of the labour market have concluded collective labour agreements making the minimum wage initially established for factory workers applicable to those sectors.

JAMAICA (First Report)

Minimum Wage Law (*Laws of Jamaica*, Revised Edition 1953, Cap. 252).

Articles 1 and 2 of the Convention. Section 4 of the Minimum Wage Law empowers the Minister to appoint advisory boards to consider the wages paid in any occupation in which he is satisfied that they are unreasonably low.

Collective bargaining has removed the necessity for statutory minimum wages in the sugar industry.

In many instances trade unions take the initiative by recommending the creation of minimum wage advisory boards in a particular trade.

Article 3. Representatives of employers and workers in the trade concerned are always consulted before a minimum wage advisory board is appointed. The regulations made under section 4 (2) of the Minimum Wage Law provide that members of an advisory board (apart from three independent members) shall be representatives of both workers and employers in the trade in equal numbers. There is no provision whereby minimum wages may be subject to abatement.

Article 4. Section 12 of the Minimum Wage Law empowers the Minister to appoint inspectors. Section 11 requires employers in trades in which minimum rates are fixed to keep proper records. Penalties are provided for failure to keep records, for paying less than the statutory minimum rates, and for obstruction of inspectors. Workers can recover underpayments by judicial proceedings.

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

Ghana, Mali, Senegal, Sudan.

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

This Convention came into force on 9 March 1932

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Italy	18. 7. 1933
Australia	9. 3. 1931	Japan	16. 3. 1931
Austria	16. 8. 1935	Luxembourg	1. 4. 1931
Belgium	6. 6. 1934	Mexico	12. 5. 1934
Bulgaria	4. 6. 1935	Morocco	20. 9. 1956
Burma	7. 9. 1931	Netherlands	4. 1. 1933
Burundi	11. 3. 1963	Nicaragua	12. 4. 1934
Canada	30. 6. 1938	Norway	1. 7. 1932
Chile	31. 5. 1933	Pakistan	7. 9. 1931
China	24. 6. 1931	Peru	4. 4. 1962
Congo (Leopoldville)	20. 9. 1960	Poland	18. 6. 1932
Cuba	7. 9. 1954	Portugal	1. 3. 1932
Czechoslovakia	26. 3. 1934	Rumania	7. 12. 1932
Denmark ¹	18. 1. 1933	Republic of South Africa ¹	21. 2. 1933
Finland	8. 8. 1932	Spain	29. 8. 1932
France	29. 7. 1935	Sweden	11. 4. 1932
Federal Republic of Germany	5. 7. 1933	Switzerland	8. 11. 1934
Greece	30. 5. 1936	Uruguay	6. 6. 1933
Hungary	6. 12. 1937	Venezuela	17. 12. 1932
India	7. 9. 1931	Viet-Nam	6. 6. 1953
Indonesia	4. 1. 1933	Yugoslavia	22. 4. 1933
Ireland	5. 7. 1930		

¹ Conditional ratification.

NICARAGUA

In reply to observations made by the Committee of Experts, the Government has stated that a draft addendum to section 183 of the Labour Code provides that the consignor of any kind of goods which have to be transported by sea or inland waterway shall mark the weight of the package in a clear and durable form if the package weighs 1,000 kilograms or more.

PORTUGAL

Legislative Decree No. 46626 of 4 November 1965 (*Diário do Governo*, 4 Nov. 1965).

In reply to an observation made by the Committee of Experts in 1965, the Government has stated that the above decree has been formulated to bring the legislation into conformity with 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:

Nicaragua, Portugal.

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.

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The report from *Nicaragua* repeats 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	Laos	23. 1. 1964
Algeria	19. 10. 1962	Liberia	1. 5. 1931
Argentina	14. 3. 1950	Libya	13. 6. 1961
Australia	2. 1. 1932	Luxembourg	24. 7. 1964
Austria	7. 6. 1960	Malagasy Republic	1. 11. 1960
Belgium	20. 1. 1944	Malaysia:	
Brazil	25. 4. 1957	States of Malaya	11. 11. 1957
Bulgaria	22. 9. 1932	Sabah, Sarawak	3. 3. 1964
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	Singapore	25. 10. 1965
Ecuador	6. 7. 1954	Somalia	18. 11. 1960
Finland	13. 1. 1936	Spain	29. 8. 1932
France	24. 6. 1937	Sudan	18. 6. 1957
Gabon	14. 10. 1960	Sweden	22. 12. 1931
Federal Republic of Germany	13. 6. 1956	Switzerland	23. 5. 1940
Ghana	20. 5. 1957	Syrian Arab Republic	26. 7. 1960
Greece	13. 6. 1952	Tanzania:	
Guinea	21. 1. 1959	Tanganyika	30. 1. 1962
Haiti	4. 3. 1958	Zanzibar	22. 6. 1964
Honduras	21. 2. 1957	Togo	7. 6. 1960
Hungary	8. 6. 1956	Trinidad and Tobago	24. 5. 1963
Iceland	17. 2. 1958	Tunisia	17. 12. 1962
India	30. 11. 1954	Uganda	4. 6. 1963
Indonesia	31. 3. 1933	Ukraine	10. 8. 1956
Iran	10. 6. 1957	U.S.S.R.	23. 6. 1956
Iraq	27. 11. 1962	United Arab Republic	29. 11. 1955
Ireland	2. 3. 1931	United Kingdom	3. 6. 1931
Israel	7. 6. 1955	Upper Volta	21. 11. 1960
Italy	18. 6. 1934	Venezuela	20. 11. 1944
Ivory Coast	21. 11. 1960	Viet-Nam	6. 6. 1953
Jamaica	26. 12. 1962	Yugoslavia	4. 3. 1933
Japan	21. 11. 1932	Zambia	2. 12. 1964
Kenya	13. 1. 1964		

AUSTRIA

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

A government proposal to abolish penal sanctions laid down in the Vagrancy Act will shortly be submitted to the central authorities.

Communal services and work performed under certain local regulations are in conformity with the requirements of the Convention. New local regulations which were due to be issued by the end of 1965 permit emergency work but in no case exceed the exceptions authorised under the Convention.

BRAZIL

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

The practice of *siringuaje*, referred to in the report of the U.N.-I.L.O. Ad Hoc Committee on Forced Labour, ceased to exist long ago in the Brazilian Amazon basin. The tappers, gradually liberated from their virtual bondage to the plantation owners operating company stores, are now usually the employees of the latter and are paid on a task basis. In the Upper Amazon and in the state of Acre, the tappers tend to be tenants. The liberation of the tappers was consolidated by Legislative Decree No. 4841 of 1942 establishing the Rubber Bank, under which earnings from the sale of rubber were fixed at 60 per cent. for the tapper with the remainder for the plantation operator and the landowner.

The armed forces do not engage in any activities of direct economic importance within the Amazon basin, but are continuing their task of promoting the cultural, material and social progress of the remoter sections of the population; engineer battalions are also being employed to open up the bush.

BULGARIA

Decree to abrogate section 177 (b) of the Labour Code (*D'rzhaven Vestnik (D.V.)*, 3 Aug. 1965, No. 61).

Decision No. 405 of 30 July 1965 of the Council of Ministers to abrogate section 5 of Order No. 121 of 18 November 1963 of the Central Committee of the Bulgarian Communist Party and the Council of Ministers (*D.V.*, 3 Aug. 1965, No. 81).

The above instruments have brought the legislation into conformity with the Convention.

In the Government's view there is no contradiction between the Convention and the decree respecting special labour services. These services are "normal civic obligations of the citizens", as provided for in Article 2, paragraph 2 (b), of the Convention. The Government does not accept the wide interpretation given by the Committee of Experts to these words, which it notes are not strictly defined in the Convention and for which no official definition exists. The Government has pointed out that the words "normal civic obligations" precede the words "of the citizens of a fully self-governing country", thus distinguishing a fully self-governing country from a colonial territory. A fully self-governing country such as Bulgaria has the right to define "normal civic obligations of the citizens" in accordance with democratic principles.

The Government does not accept the Committee's opinion in respect of self-taxation schemes, since the Convention relates to forced or compulsory labour. Further, the Act of 6 February 1958 respecting voluntary labour and the ordinance issued thereunder provide that such labour shall be unpaid, since it is performed on the decision of the inhabitants themselves of a given area, for reasons of local importance. No "forced labour" as envisaged by the Convention therefore exists.

The Government does not accept the Committee's observation concerning the campaign against persons evading socially useful work. Nor does it accept that there is a contradiction between section 1 of Decree No. 325 of 1962 and Article 2, para-

graph 2 (c), of the Convention. Section 1 (a) of this decree provides for employment in the same locality where the persons designated by the decree live, following a decision of the Executive Committee of the People's Council of the area, or even of the People's Town Council. Under the decree, the assignment of these persons to an occupation takes place on the basis of a work contract entered into with the agreement of the parties concerned. The decision of the Executive Committee is of a judicial nature, and is a proposal made to the person in question in order to help him to find a suitable job. The proposal is binding only on the employer when the person wishes to accept the employment. This text is not in contradiction with the Convention, since it deals with contractual work relations. It is to be noted that the legislature has employed in section 1 (a) of the decree the words "allocation of employment" and not "compulsory allocation of employment", which is the wording used in section 1 (b) of the same decree. Under the latter provision, there is compulsory allocation of employment only following a judicial decision, and it is therefore in conformity with the exception envisaged in Article 2, paragraph 2 (c), of the Convention.

BYELORUSSIA

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

It points out that it has already communicated extracts from the Labour Code, the Penal Code and provisions from other standard instruments.

Regarding the purchase of agricultural produce by the State, such purchases from collective farms are made on a voluntary basis under contractual agreements. There are no legislative regulations incompatible with the interests of collective farms.

A member of a collective farm may decide to take up permanent employment in an undertaking in the capacity of a worker or employee. A general meeting of the collective farm members is obliged to discuss such a decision of one of its members.

Road work is usually performed by specialised undertakings governed by general legislation.

CENTRAL AFRICAN REPUBLIC

In reply to an observation made by the Committee of Experts, the Government has stated that, in order to meet the view expressed by the Committee, it has submitted a note to the Council of Ministers requesting amendments to Acts Nos. 60-107 of 20 June 1960 (respecting the institution of a permanent system of control of the working population), 60-109 of 27 June 1960 (respecting measures against unemployed persons) and 62-304 of 8 May 1962 (respecting civic service), to bring them into line with the provisions of the Convention.

Act No. 60-112 of 20 June 1960 (respecting compulsory crops) was repealed by Act No. 63-409 of 17 May 1963.

No law has as yet been passed under section 4 (b) of the Labour Code to define what work or service can be exacted as a normal civic obligation. In order to bring the legislation into harmony with the Abolition of Forced Labour Convention, 1957 (No. 105), which has been ratified, a Bill has been tabled for the amendment of the Labour Code.

No regulations have been issued under section 15 of the Penal Code concerning the prison system; a draft decree will confirm that labour is to be exacted only from persons who have been sentenced in court and that they may not be hired out to, or placed at the disposal of, private individuals or companies.

CEYLON

In reply to a request made by the Committee of Experts regarding the employment of persons detained under the Criminal Law (Special Provisions) Act, 1962, the Government has stated that no person has so far been arrested or detained under this Act, and that any person so arrested or detained would not be required to work.

CONGO (BRAZZAVILLE)

Decree No. 65-147 of 25 May 1965 to establish the "Action for Rural Renewal" movement.

Decree No. 65-148 of 25 May 1965 to abolish civic service for young persons.

In reply to direct requests made by the Committee of Experts, the Government has provided the following information.

Decree No. 65-148 abolishes civic service for young persons. However, Decree No. 65-147 establishes the "Action for Rural Renewal" movement. The Government wishes in this way to ensure that young people receive training and fundamental education and to help them thereafter to establish themselves in rural areas.

The definition of "forced labour" in the Labour Code does not relate to "work decided on and voluntarily carried out by a community". This work is decided on simply as the need arises and is therefore not governed by any special procedure. It consists essentially of minor communal services (cleaning and tidying up) which are in accord with Article 2, paragraph 2 (*e*), of the Convention.

The provisions of Act No. 24-60 of 11 May 1960 can apply only in case of *force majeure*, in accordance with the derogation provided for in paragraph 3 of section 4 of the Labour Code.

COSTA RICA

In reply to a direct request made by the Committee of Experts concerning Article 2, paragraph 2 (*c*), of the Convention, the Government has stated that the administration of justice in Costa Rica is partly within the competence of chief or principal officers of the police, and sentences imposed by them therefore have the character of convictions in a court of law. An Act respecting vagrancy, begging and abandonment, which complies fully with the provisions of the Convention, has been adopted.

CUBA

Act No. 1129 of 1963 respecting compulsory military service.

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

The provisions of the above-mentioned Act clearly bring out the purely military character of the service, which is compulsory for all citizens.

Termination of employment is not subject to any control by administrative authorities.

Work books were established by Resolution No. 5619 of 1962 to serve as a work record of each worker and to guarantee to him the exercise of his rights relating to labour and social security.

Refusal by a worker to comply with a decision to transfer him to another workplace is not subject to any sanctions.

CZECHOSLOVAKIA

Labour Code, Act No. 65 of 16 June 1965 (*Sbírka Zákonů (S.Z.)*, 30 June 1965, No. 32) (*L.S.* 1965—Cz. 1).

Government Ordinance No. 66 of 23 June 1965 (*S.Z.*, 30 June 1965, No. 32) and Notification No. 82 of 21 July 1965 of the Central Council of Trade Unions to apply the Code (*S.Z.*, 11 Aug. 1965, No. 38).

Legislative Decree No. 16 of 1963 respecting the placement of graduates of university level teaching establishments, academies and vocational or secondary schools, as amended by Legislative Decree No. 74 of 1965.

In reply to direct requests made by the Committee of Experts, the Government has provided the following information.

Decree No. 88 of 1945 (respecting the termination of employment contracts) has been repealed. Legislative Decree No. 40 of 1953 (respecting the employment service) cannot legally provide a basis for the exaction of forced or compulsory labour but, since the Committee has recommended that it should be amended, the matter has been submitted to national experts for consideration. Act No. 51 of 9 July 1959 respecting the re-purchase of agricultural products and the ordinance of 26 August 1959 issued thereunder have been repealed, and such purchases are now governed by contracts. Lastly, holders of school-leaving diplomas of all kinds join the labour force of their own free will on the basis of a regular contract of employment.

DENMARK

In reply to a request made by the Committee of Experts, the Government has indicated that the Act of 1929 on the organisation and partial abolition of compulsory work in local areas is applied by a very small and ever decreasing number of local authorities. All decisions are taken by elected councils, and the rules governing the apportionment and execution of the work also ensure compliance with Article 10, paragraph 2, of the Convention.

FINLAND

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

A proposal to arrange regularly oral trials at provincial courts in cases relating to the deprivation of liberty by virtue of administrative law, whereby the defendant would be granted the opportunity of using a legal adviser free of charge, is at present under examination.

A proposal to amend section 25 of the Welfare Assistance Act will possibly be submitted to Parliament in 1965. The amendment provides that the decision to commit a person to a workhouse would be made by the Social Board only where the person himself gives his consent; otherwise the case would be heard by the provincial court on the motion of the Social Board.

HUNGARY

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

Attainment of the quantities of agricultural produce required is achieved by measures to stimulate the economy, for example by providing for a system of production and purchase based on contracts. Undertakings purchasing produce under the Economic Plan enter into contracts in their capacity of state enterprises in respect of the produce in question. These contracts give rise to bilateral legal relationships. Producers may dispose of their produce either under their contractual obligations or on the free market. Prices are fixed partly by a central service and partly by free agreement. Production and purchase contracts are based on the prices fixed by legal regulations, while the prices of purchases on the free market are reached by agreement between the parties concerned.

The contractual regulations for agricultural production, as well as for the sale of produce, are included in sections 410 to 422 of the Civil Code of 1959 and in Governmental Decree No. 24 of 10 May 1960. Agricultural planning methods are dealt with in Ordinance No. 33 of 1965.

The obligation of everyone to work according to his capacity is a fundamental principle of the Constitution, and is regarded as being principally a moral obligation. There are no legislative provisions prescribing penalties for failure to observe this principle.

ICELAND

In reply to a request made by the Committee of Experts, the Government has indicated that under the Maintenance Act of 1947 a person who does not provide for his family can be committed to a labour institution only if the local authorities have obtained a judicial decision by the competent court.

INDIA

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

The national legislation is still being reconsidered in the light of observations made by the Committee in 1960 and of comments contained in the general conclusions of its 1962 report. A draft instrument to repeal the "Tripura Ghar Chuktikar Ain", worked out by the administrative authorities of Tripura, is going through the processes required for approval. The "Orissa Gram Panchayat Act" of 1948 was amended in 1964. Regulations under the new instruments are being worked out with reference to the utilisation of labour in the service of the community. The government of the state of Bihar is considering amending the Bihar Panchayat Account Rules of 1949. The rules of Central Government penitentiaries and those of the states of Madras and Delhi contain no provisions relating to the work done by prisoners.

IRAN

In reply to a direct request made by the Committee of Experts, the Government has stated that persons kept in forced residence by virtue of the Act of 1953 to set up public safety committees cannot be compelled to perform work of any kind. Persons called up for military service do no compulsory work that is not of a military nature. As soon as the agrarian reform programme is applied in a given locality, communal village work is subject to the decision and consent of the community concerned.

IRAQ

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

The constitutional "duty" to work does not in any case mean to force citizens to work. Law No. 35 of 1963 respecting national guards has been repealed.

Article 2, paragraph 2 (b) and (e), of the Convention. No such services have been exacted.

Paragraph 2 (d). The necessary action will be taken to ensure that the prohibition to leave work under the Civil Defence Law is limited to cases of emergency.

ISRAEL

In reply to an observation made by the Committee of Experts, the Government has communicated the following information.

Section 16 (*a*) of the Defence Service Law, regarding agricultural training for conscripts, has never been put into effect. Section 16 (*d*), under which the period of military service assigned for agricultural training may be devoted to regular service other than agricultural training, has recently been amended by extending its effect for a further period of three years.

The right to a choice between regular military service and agricultural training or work during the period of service applies solely to settlement nuclei, membership of which is voluntary, and to which the provisions of section 17, and not of section 16, apply. Section 17 is intended to enable members of settlement nuclei to continue their agricultural training during their military service; this is a privilege and not a duty imposed on these members.

The question of amending the legislation to clarify further the voluntary character of agricultural training has been postponed, pending the results of the research programme undertaken by the I.L.O.

IVORY COAST

In reply to observations and requests made by the Committee of Experts, the Government has provided the following information.

The implicit repeal, by Act No. 64-290 of 1 August 1964 to establish a Labour Code, of Act No. 63-4 of 17 January 1963 and Decree No. 63-48 of 9 February 1963 respecting employing persons for the economic and social advancement of the country, is entirely in accordance with the institutional and juridical techniques in use in this country. The method of implicit repeal is particularly effective in this case in that the principle of the abolition of forced labour is incorporated in an instrument that is frequently referred to—the Labour Code—so that any person whose rights are encroached upon can easily substantiate his claim before the judicial authority.

The legislation which confirms the voluntary nature of work performed as civic service is related to the application of the conditions of service for a military career, now being drawn up. In the meantime, recruitment for civic service takes place in practice on a purely voluntary basis.

The drafting of the decrees mentioned in sections 680 and 683 of the Code of Penal Procedure has not yet been terminated. Partial liberty and allowing prisoners to work outside the place of detention, as provided for under section 682 of that Code, are procedures which may be applied only at the request of a common law criminal and after a magistrate has granted permission.

KENYA

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

Labour required of a member of “a disciplined force” is of a purely military character. Services exacted under the National Service Act, which established a civil defence force, may include service in an undertaking, whether public or private, declared by the Minister to be an undertaking essential for military purposes or the maintenance of supplies and services essential to the life of the community. These services are in accordance with Article 2, paragraph 2 (*a*) and (*d*), of the Convention.

Under the Constitution labour may be exacted as a civic obligation to relieve famine, in case of serious floods interrupting communications, to prevent fire in forests, violent epidemics or epizootic diseases, or invasion by animals or insect pests or plant disease.

It is not intended to make provision, pursuant to a permissive clause in the Constitution, for the exaction of labour as a normal communal obligation.

Recourse has not been had to section 11 of the Native Authority Act, under which chiefs may order the planting of crops in case of a shortage of foodstuffs.

LIBERIA

In reply to an observation made by the Committee of Experts in 1965, the Government has stated that changes in pursuance of paragraphs 419, 420, 430, 444, 446, 449, 451, 454 and 459 of the report of the Commission of Inquiry appointed under article 26 of the I.L.O. Constitution have been made and are now pending legislative approval.

See also *Report of the Committee* (1965), pp. 584-585.

MALAGASY REPUBLIC

In reply to observations made by the Committee of Experts in 1964, the Government has provided the following information.

The economic needs of Madagascar, like those of all less developed countries, call for all the productive forces of the nation to be utilised, so that it is impossible to tolerate the existence of idle parasites. This is the reason for the various measures taken by the Government to suppress idleness, organise community labour (*fokonolona*) and make use of young persons for civic service.

The Government has again expressed the hope that the Convention will be adjusted to match the needs of less developed countries, so that only the provisions prohibiting the granting of concessions to private individuals will be maintained.

The Government trusts that this revision can be made rapidly, failing which, since it cannot apply the Convention in its present form, it would to its great regret be compelled to denounce the Convention.

MALTA

Constitution.

The Constitution makes provision for protection against forced labour.

MAURITANIA

In reply to a direct request made by the Committee of Experts, the Government has indicated that the specialisation of conscripts in the second year of active service is of a purely military character. Act No. 62-132 of 29 April 1962 has not so far been applied in practice.

MOROCCO

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

A draft royal decree to repeal certain decrees authorising the employment of convicts by private undertakings and the imposition of compulsory labour in certain cases has been submitted to the King.

Unlawful recourse to forced labour by private persons being unknown, it has not been considered necessary to lay down penalties for such practices.

NICARAGUA

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

Article 320 of the Constitution, providing for compulsory military service, has not been implemented in practice. Sanctions provided for under the Penal Code and

the Police Regulations include labour on public works carried out under the supervision and control of the authorities. Prisoners may not be placed at the disposal of private persons.

NIGER

In reply to a direct request made by the Committee of Experts, the Government has stated that it is studying the Committee's observations with a view to the possible amendment of Act No. 62-10 of 16 March 1962 respecting recruitment for the national armed forces and Decree No. 63-103 of 15 June 1963 respecting the organisation and internal rules of penal establishments. The exceptions allowed by laws or regulations and which are mentioned by the Committee of Experts have not so far been given effect.

NORWAY

Temporary Act of 21 June 1956 respecting compulsory service for dentists.

The Norwegian Dentists' Association in 1964 questioned the compatibility of the above-mentioned Act with Conventions Nos. 29 and 105. In reply, the Government stated that the Act was not regarded as being at variance with any Conventions ratified by Norway; it had, therefore, not been mentioned in the Government's reports to the I.L.O. The Government has considered the communications subsequently addressed by the Norwegian Dentists' Association and the Norwegian Academic Union to the I.L.O. and maintains that it does not find the Act incompatible with Conventions Nos. 29 and 105. Prior to ratification of the latter Convention, the various industrial organisations were consulted and they indicated that ratification would not require any amendment of the existing legislation and practice.

The two Conventions were discussed in the Government's reply to the complaint against it addressed by a dentist to the European Commission on Human Rights (Decision No. 1468-62). In that reply the Government stated, *inter alia*, that the I.L.O. had no objection to the practice whereby certain work was demanded as a condition for entrance to universities, for scholarships or for state financial assistance for studies, or even as a condition for the practice of a profession. If such a system had been in operation in Norway the plaintiff would have been faced by exactly the same obligations as he now had in accordance with the temporary Act of 1956, and would have had no grounds for complaint to the Commission. The conclusion to be drawn from I.L.O. practice was that the Act of 1956 could in no way be said to introduce unlawful measures which could be described as forced or compulsory labour.

The Government has further referred to the proceedings and grounds for decision in the Supreme Court case against the above-mentioned dentist and the corresponding features of the decision in 1965 by the Court of Appeal (the Norwegian Dentists' Association v. the State). During the proceedings of the latter case the State did not conduct the procedure on the premise that compulsory service was imposed as a result of a state of emergency, but at the same time it made no admission to the effect that a state of emergency had not existed.

The Government has underlined the fact that the Act, both in form and practical application, is temporary.

In addition, in reply to a request made by the Committee of Experts, the Government has supplied the following information. The proposal to amend section 5 of the Vagrancy Act will be considered during the examination of a report on amendments to the penal legislation respecting drunkenness and misuse of alcohol.

The Government has given an assurance that section 9, paragraph 2 (b), of the Compulsory Military Service Act, under which conscripts may be required to do

civilian work "when necessary in the national interest", will be applied only in case of emergency.

With regard to section 7, paragraph 3 (i), of this Act, under which conscripts may, by decision of the Crown and with the consent of Parliament, be used for civilian duties instead of for military service, a proposal to discontinue the existing arrangement authorising short-term work by conscripts on community projects and leave for agricultural labour, on account of the introduction of a reduced term of service necessitating concentration on military training, was adopted by Parliament in 1963. Permission to impose compulsory duty and to grant leave for agricultural labour will be given only in case of unforeseen or extraordinary conditions.

PERU

In reply to an observation made by the Committee of Experts, the Government has provided the following information.

Citizens are bound to perform one to two years' military service; after three months of military instruction, having acquired sufficient familiarity with their arms, some are assigned to the engineer corps and employed on the construction and upkeep of roads. If no such work needs to be done, they are employed on other non-profit-making work for the good of the nation. In the course of such work, they receive the necessary technical training. The work is always connected with the implementation of the national road plan and is carried out under the joint authority of the Ministry for War and the Ministry for Development.

In reply to a direct request made by the Committee of Experts, the Government has stated that Act No. 15037 of 21 May 1964 respecting agrarian reform abolished all anti-social systems of labour and land working. Forced labour has been abolished by the Constitution, but in case of emergency local authorities may ask workers to contribute their efforts voluntarily.

POLAND

Ordinance of 24 June 1953 respecting transportation necessary for the defence of the State (*Dziennik Ustaw (D.U.)*, 1953, No. 34, Text No. 142).

Ordinance of 28 March 1963 respecting military service for territorial defence (*D.U.*, 1963, No. 14, Text No. 75).

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

It states that "service justified by the needs of public education or in the public interest", to which the observations of the Committee of Experts refer, consists of military service within the territorial defence system, which has been established as a new kind of compulsory military service.

This service was created with a view to ensuring that conscripts who have not performed the normal military service period of several months receive military training for the defence of the national territory. It is not aimed at obtaining labour for work of any kind.

In accordance with the text of the provision referred to by the Committee of Experts, those who persist in evading their obligation to provide service in kind are liable to penalties. Such service includes, first and foremost, providing transportation necessary for the defence of the State (ordinance of 24 June 1953).

As regards agricultural produce, the suggestion made by the Committee of Experts, namely that the amount of goods to be delivered to the State should be fixed at a percentage of effective production, would not be feasible, largely because of the considerable dispersion of agricultural property in Poland. The amount of agricultural produce to be contributed to the State is calculated bearing in mind this characteristic of Polish farmland, and the highly developed system of special allowances and

reductions adjusts the amount to the real potential of each contributing landowner.

As for the penalties provided for by law in connection with the contribution to the State of agricultural produce, none was applied during the period covered by the present report.

During the current year measures have been taken to strengthen state aid to farmers; such measures have included, *inter alia*, setting higher prices for this year's cereal crop, authorising the purchase of chemical fertilisers, establishing priorities for the purchase of selected seeds and granting credits. The difference between the new price of grain contributed to the State and the price paid by the State on the free market will be entirely paid by the State out of the Agricultural Development Fund.

PORTUGAL

Legislative Decree No. 45610 of 12 March 1964 to amend Legislative Decree No. 26643 (*Diário do Governo*, 12 Mar. 1964).

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

The above-mentioned Decree No. 45610 amended sections 26 and 261 to 263 of Legislative Decree No. 26643, under which persons awaiting charge or trial were obliged to perform labour.

Under Part I of Act No. 2000 of 1944, all powers to change or commute penalties, previously vested in the National Prison Service Council and the Minister of Justice, were taken over by the review courts set up by the Act. The provisions of Legislative Decrees Nos. 39688 of 1954 and 40550 of 1956 rescinded that part of section 157 of the Prison Reform Act which permitted extension of sentences. There is accordingly no need specifically to rescind the said section 157.

Young persons kept in a corrective settlement by virtue of Decree No. 40877 are under no legal obligation to work, but follow a course of education in which the emphasis is on academic and vocational work.

The review courts form part of the country's ordinary judicial structure; they are staffed, like the other courts, by career judges and the accused enjoy the safeguards of the ordinary criminal procedure. It is a misinterpretation of the position to state that, being imposed without any criminal offence having been committed, decisions by the review courts to apply security measures under Legislative Decree No. 40550 of 1956 are not true sentences. Security measures restricting an individual's freedom do not under any legal system presuppose the committing of a crime. For example, a person who, because of his mental capacity, is not criminally responsible may nevertheless be subjected to restrictions on his freedom because he has a marked tendency to break the criminal law. Such security measures would also be the result of a court decision, which would only be given if the accused were dangerous in a criminal sense. This legal principle is borne out by the case law of the Supreme Court.

RUMANIA

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

A new draft Penal Code providing penalties for having exacted forced or compulsory labour from any person is soon to be submitted to the legislature.

The questions to which the other observations relate (execution of public works of local interest and delivery of agricultural produce) are being considered by the competent bodies with a view to making proposals aimed at bringing the legislation into harmony with the level of economic and social development now achieved in Rumania.

SENEGAL

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

It refers, as regards national civic service, to the statement made at the 48th Session of the International Labour Conference by the Minister of the Civil Service and Labour.¹ In addition, it points out that the use, under a technical assistance programme, of French conscripts, who are teachers, in state schools in Senegal seems to show that the Convention needs certain adaptations to make it respond to present-day realities. Recruitment for work schools, which provide practical training, is on a voluntary basis, and the work carried out in these schools has nothing to do with forced labour.

The order of 22 October 1947 respecting prison services contains provisions permitting the hiring out of prisoners to private companies. In practice these provisions are not applied. It is hoped to bring the legislation into harmony with actual practice and the Convention in the near future.

Under Decree No. 64-282 of 3 April 1964 persons may be requisitioned for work only in cases of a public emergency. No form of communal service exists.

SUDAN

In reply to a request made by the Committee of Experts, the Government has stated that intensive efforts are being made to abolish forced or compulsory labour; such labour is exacted only in cases of emergency or when the work is of imminent necessity and for the benefit of the community.

SWEDEN

Act No. 66 of 3 April 1964 to amend the Social Assistance Act, No. 2 of 4 June 1956 (*Svensk Författningssamling (S.F.)*, 17 Apr. 1964).

Act No. 67 of 3 April 1964 to amend the Child Welfare Act, No. 97 of 29 April 1960 (*S.F.*, 17 Apr. 1964).

Act No. 450 of 4 June 1964 respecting measures against socially maladjusted individuals dangerous to the community (*S.F.*, 30 June 1964).

In reply to a request made by the Committee of Experts, the Government has stated that under the above-mentioned Act of 4 June 1964, which replaces the Vagrancy Act of 1885, a decision to intern a person in a workhouse is taken by a court of law. Acts Nos. 66 and 67, referred to above, repeal certain provisions which permitted the imposition of compulsory labour on certain persons by administrative authorities.

SWITZERLAND

A study will be undertaken of the problems referred to in comments made by the Committee of Experts, and a reply will be given when the study has been completed.

SYRIAN ARAB REPUBLIC

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

The Government has prepared a Bill to amend section 1 of Legislative Decree No. 133 of 29 October 1952 so as to prohibit all kinds of forced labour except in cases of emergency, in the event of war or of a general disaster. The same Bill will repeal sections 27 and 28 of the decree.

¹ See I.L.O.: *Record of Proceedings*, International Labour Conference, Geneva, 1964 (Geneva, 1965), pp. 134-136.

Military service comprises only work of a purely military character.

Draft legislation is being prepared to lay down penalties for the exaction of forced labour. This legislation will take the form either of an amendment of section 29 of the aforesaid Legislative Decree No. 133 in the spirit of the observation made by the Committee, or of a special instrument.

Under Law No. 94 of 1961 respecting the requisitioning of medical and pharmaceutical personnel, such personnel are bound to practise in the provinces for two years after graduating unless they receive an appointment as university assistants.

This enactment is intended to ensure the existence of adequate health services in the provinces and their even distribution over the national territory, so that no citizen shall be deprived of proper medical care.

Newly graduated doctors, pharmacists or dentists are entitled to select the area where they wish to practise in the provinces. At the end of the two-year period they are free to practise where they wish. This is a normal civic obligation.

TANZANIA

Tanganyika

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

The amendment of Part X of the Employment Ordinance to give statutory effect to the administrative instructions of 1960 for the abolition of compulsory labour is not at present contemplated, but the position will be kept under continuing review.

Since 1962, 12 district councils out of 58 have made by-laws under section 52 (1) (45) (a) of the Local Government Ordinance requiring adult persons who are occupiers of agricultural land in accordance with customary law to cultivate a minimum acreage of land (in most cases one acre). No by-laws have been made under section 52 (1) (45) (b) requiring adult persons not occupying a holding of agricultural land, but being eligible to occupy land under customary law, to acquire such a holding.

With regard to this latter provision it may be noted that the basis of land tenure under customary law in Tanzania devolves on the concept of land usage and indicates the importance of the people making adequate use of the land available to them. The by-laws do not relate to the question of whether a farmer should cultivate his land but rather what he should cultivate. These measures reflect the policy to transform gradually the rural sector from a subsistence to a monetary economy and are also a precaution against famine. Furthermore, the farmer is not compelled to labour himself (since he may engage other workers) and he may freely relinquish land he does not wish to cultivate as required by the by-laws. With regard to section 50 (1) (45) (a) the Government considers that to require a specified acreage or type of crops to be cultivated by persons already occupying agricultural land does not amount to imposition of a form of forced labour. This system enriches the cultivator and generally promotes his personal interests.

No directions concerning the preparation of ground and the methods and time of cultivation of specified agricultural products have been issued under section 6 (b) of the Agricultural Products (Control and Marketing) Act, 1962.

TOGO

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

Article 2, paragraph 2 (a), of the Convention. There are no texts concerning compulsory military service in Togo.

Paragraph 2 (*b*). No work or services may be exacted as part of normal civic obligations.

Paragraph 2 (*c*). Detainees do not perform prison labour, but only minor work (connected with the maintenance of buildings, etc.).

Paragraph 2 (*d*). Apart from Act No. 61-3 of 11 January 1961 respecting the requisitioning of civilians, which has not been applied in practice so far, no text authorises the imposition of labour in case of emergency.

Paragraph 2 (*e*). Minor communal work is not imposed by administrative authorities, but is carried out freely by the local population. There are no texts governing such work.

In addition, the Government has indicated that the Workers' Brigade, at present incorporated in the Agricultural Youth Pioneer Corps, is in the course of being disbanded.

UKRAINE

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

Before an agreement is concluded between, on the one hand, state purchasing bodies and undertakings on the processing of agricultural products, and, on the other, the collective and state farms on the purchase of a specific type of agricultural product, the indices of production and sale of the different types of agricultural products are determined according to the Economic Plan. These Plan indices determine the quantities and types of agricultural products which the collective and state farms intend to produce and sell, and which the state organs guarantee to purchase. The existing system of purchasing creates a sound basis for the relationship between the producers of agricultural products and the state purchasing bodies, and is equally convenient for both parties. Producers in practice never refuse to enter into an agreement.

The liability of the parties in case of non-fulfilment of their obligations in conformity with section 255 of the Civil Code is laid down in the contracts.

According to paragraph 1 of the Model Collective Farm Regulations a kolkhoz is a voluntary association of working farmers, of which membership is optional. Withdrawal in order to enter industry or construction is also voluntary.

Under a decree of 2 January 1959 workers employed on road work are paid according to the general principles laid down in the labour legislation. Working days for kolkhoz members are calculated in accordance with the Collective Farm Regulations.

U.S.S.R.

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

Every worker determines the field in which his capacities can be employed. Social pressures are applied in the case of persons who refuse to work honestly and who engage in illegal activities yielding unearned income or other anti-social activities. If social pressures have no effect, court proceedings may be taken. A court sentence in such circumstances would not be contrary to the provisions of the Convention.

The repair and construction of roads of local importance are carried out by collective farms, state farms and other undertakings using these roads. If such an undertaking considers it inexpedient to organise a special brigade for the construction and repair of the roads, it may conclude an agreement with a road construction organisation.

The supply of agricultural produce by the collective farms to the State was discontinued under Decision No. 690 of 30 June 1958 of the Council of Ministers of the U.S.S.R.

Contracts voluntarily entered into for the purchase of agricultural produce from collective farms are for a period ranging from two to five years and provide for civil penalties only in the case of non-fulfilment of obligations by the contracting parties. Contracts are modified annually according to a special procedure in the light of the requirements of both parties. The collective farms tend to favour long contracts and the state purchasing bodies allocate large credits to stimulate their agricultural activities. The Government disagrees with the proposal of the Committee of Experts that the existing legislation should be modified.

A collective farmer entering wage-earning employment must be provided with the necessary papers by the kolkhoz management.

UNITED ARAB REPUBLIC

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

It is obvious from the provisions of Law No. 505 of 1955 respecting military and national service that the public works authorised by the law are of a purely military character.

The requisitioning of doctors, pharmacists and dentists under Law No. 183 of 1961 for a period not exceeding four years forms part of the normal civic obligations of the citizens of a developing country. If these specialists were not requisitioned, the welfare of the people, which is the responsibility of the Government, might be seriously threatened.

Section 375 of the Penal Code, as amended in 1962, penalises any person who exercises force, intimidation, etc., in violating or attempting to violate the right to work or to employ or not employ any person. It is considered that this section fully satisfies the requirements of Article 25 of the Convention.

UPPER VOLTA

See under Convention No. 6.

YUGOSLAVIA

Act of 13 July 1964 respecting contributions and taxes paid by citizens (*Službeni List (S.L.)*, 1964, No. 32).

Act of 4 April 1965 respecting employment relationships (*S.L.*, 7 Apr. 1965, No. 17, Text No. 352, as corrected in *S.L.*, 5 May 1965, No. 21, p. 982) (*L.S.* 1965—Yug. 4).

The Act respecting employment relationships guarantees freedom of work by providing that workers shall enter or terminate employment relationships of their own free will (section 2, paragraph 1). Nobody may place any limitations on the worker's freedom to choose where he will work (section 19, paragraph 4). With regard to the cessation of work, the Act stipulates that a worker is free to leave his employment provided he has informed the undertaking and community where he works. He may do so at any time and without stating any grounds, provided that he remains at work for the statutory period after such notification (section 96, paragraph 2, of the Act). According to the Act this period may not be less than 30 days or more than six months, except where otherwise agreed between the worker and the undertaking. According to the Penal Code, compelling a person by force or threat to do or not to do anything is punishable as a penal offence (section 149 of the Penal Code). Compulsory labour may be exacted only from persons sentenced to imprisonment as a result of a verdict given in court. The National Defence Act provides for

civilian mobilisation in case of war or imminent danger of war. The Protection from Fire Act and the Health Protection Act provide, exceptionally, for civilians to be mobilised in case of fire, disaster, etc.

Under the National Defence Act, the obligation to contribute their work is binding upon all citizens in case of war or imminent danger of war. This is a permanent obligation of service in given branches of state administration, undertakings or economic activity for the purpose of national defence (section 96). In case of war this obligation comes into force *de jure*; in case of imminent danger of war, it comes into force only when the Federal Executive Council so decides. The Council may impose upon all persons or categories of persons subject to the obligation the performance of certain tasks or kinds of work (section 96).

The General Health Service Act provides that in case of *force majeure* (i.e. in the event of disasters such as fire, floods, earthquakes, serious railroad or other accidents, serious accidents in mines and on building sites, which may give rise to epidemics or cause a considerable part of the population to be injured or contract disease), health workers and other citizens may be mobilised in order to carry out the necessary health measures. Similarly, special tasks may be assigned to hospitals and similar establishments (section 43). It rests with the executive council of the republic concerned to order such measures and determine their duration; when the disaster affects an area that extends beyond the boundaries of the republic in question, the decision lies with the Federal Executive Council (section 43).

Lastly, it should be noted that there are provisions which make it possible to introduce a system of local voluntary contributions in accordance with customary law in local communities. Such contributions may consist of work or cash, depending on the purpose for which the contribution is required and the extent to which each civilian is able to comply with this requirement and other conditions (sections 120 and 121 of the Act respecting contributions and taxes paid by citizens).

If such local contributions consist of work, this is not considered to be forced labour, since, like all other contributions, they can be exacted only by virtue of decisions of the electoral body or with the consent of the local community and in the immediate interest of the same.

With the exception, therefore, of the above forms of compulsory labour, which may be exacted in particular circumstances and in the cases of emergency contemplated under Article 2, paragraph 2 (c), (d) and (e), of the Convention, there is no legal possibility or social or economic conditions or necessity which would justify other forms of compulsory labour.

ZAMBIA

Constitution (contained in Schedule 2 of the Zambia Independence Order, 1964).

District Messengers Ordinance (Amendment) Order (published in Government Notice No. 339 of 1964).

Section 16 of the Constitution applies the provisions of this Convention.

In reply to a request made by the Committee of Experts regarding section 8, paragraph 1, of the Native Authority Ordinance and of the Barotse Native Authority Ordinance, the Government has indicated that the laws in question are to be repealed in the near future and that meanwhile no orders may be made under the sections referred to. Sections 10 and 12 of the District Messengers Ordinance regarding disciplinary offences have been repealed.

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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 (Eastern Cameroon), Federal Republic of Germany, Iceland, Liberia, Mali, Nigeria, Norway, Peru, Senegal.

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

Argentina, Australia, Belgium, Burma, Cameroon (Western Cameroon), Chile, Cyprus, Ireland, Italy, Jamaica, Japan, Malaysia, (States of Malaya, Sabah, Sarawak), Mexico, New Zealand, Singapore, Somalia (ex-British Somaliland, ex-Trust Territory), Spain, Uganda, United Kingdom.

Western Samoa (non-member State).

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

This Convention came into force on 29 August 1933

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

¹ Conditional ratification.

NICARAGUA

In reply to observations and requests made by the Committee of Experts, the Government has provided the following information.

Article 7 of the Convention. Sections 49 and 174 of the Labour Code provide for the permanent exceptions envisaged under paragraph 1 (a) and (b) of this Article. With regard to paragraph 2 (a) and (b), section 56 of the Code, after it has been amended, and section 57, paragraph 3, are relevant. The exceptions envisaged under paragraph 1 (c) and paragraph 2 (c) and (d) are not provided for under Nicaraguan law. Section 74 of the Code, which is also to be amended, governs overtime pay.

Article 11. Reference is made to the information provided in respect of Convention No. 1 (Article 8).

SPAIN

General Ordinance of 13 September 1956.
For legislation, see also under Convention No. 1.

In reply to a direct request made by the Committee of Experts, the Government has referred to the information supplied in respect of Convention No. 1 and has also provided the following information.

Provinces of Ifni and Sahara.

The hours of work of public servants are governed by section 5 of the general ordinance of 13 September 1956, which fixes the working day at seven hours from Monday to Friday and at five hours on Saturday.

Under section 43 of the order of 2 March 1954 employees of commercial undertakings have a maximum working day of eight hours; time worked beyond that maximum is considered as overtime and is subject to the limitations provided for under sections 45 to 48 of the order.

There are no over-all regulations applicable to working hours in all the branches of activity mentioned in section 66 of the order of 2 March 1954. The special working hours that may be authorised are determined in accordance with the requirements of each individual case (time, place, number of persons affected by the authorisation, etc.), as prescribed under section 43.

Provinces of Fernando Poo and Rto Muni.

The exception authorised under section 2 of the order of 24 May 1962 is restricted to employees who act as agents of the public authorities in conformity with the relevant general legislation.

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	Mexico	12. 5. 1934
Argentina	14. 3. 1950	Netherlands	25. 8. 1964
Belgium	2. 7. 1952	New Zealand	29. 3. 1938
Bulgaria	29. 12. 1949	Nigeria	16. 6. 1961
Canada	6. 4. 1946	Norway	23. 6. 1956
Chile	18. 10. 1935	Pakistan	10. 2. 1947
China	30. 11. 1935	Peru	4. 4. 1962
Cuba	7. 9. 1954	Sierra Leone	15. 6. 1961
Finland	23. 8. 1949	Singapore	25. 10. 1965
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
Malta	4. 1. 1965		

PERU (First Report)

Act No. 1378 of 1913 respecting employment accidents, as amended by Act No. 2290.

Presidential Decree of 4 June 1913 respecting safety measures in work centres.

Harbour Masters' and Merchant Navy Regulations of 31 October 1951.

Industrial Safety Regulations approved by Presidential Decree No. 42-F of 22 May 1964.

Under the presidential decree of 1913, machinery, wheels, transmission mechanisms, gears or any other parts considered to be dangerous must be duly protected; special reference is made in this decree to hoisting machinery in order that measures may be taken to avoid the fall of loads.

The provisions of the Industrial Safety Regulations supplement the safety measures adopted in conformity with the Convention.

The Maritime Labour Supervisory Committee and the port authorities are responsible for the application of the provisions relating to maritime work.

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

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.

CONGO (BRAZZAVILLE)

Labour Code, Act No. 10-64 of 25 June 1964 (*Journal officiel de la République du Congo*, 9 July 1964, No. 14, Extraordinary, p. 547) (Section 116).

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

Mali, Senegal.

34. Fee-Charging Employment Agencies Convention, 1933

This Convention came into force on 18 October 1936

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

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

MEXICO

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

Article 4, clause (c), of the Convention. Under paragraphs 53 and 61 (e) of the Employment Agencies Regulations, private employment agencies may operate only with the express permission of the Social Welfare Division of the Labour Department, and the Social Welfare Service is responsible for supervising the movement of workers. The provisions of this Article are met by article 133 of the Constitution.

Article 5. Under paragraph 56 of the above-mentioned regulations, private employment agencies are required to perform their placement activities without charge to the workers. These agencies must make it clear in their advertisements and in their offices that their services are free of charge for workers.

SPAIN

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

Fee-charging agencies neither exist nor are authorised in Equatorial Guinea. However, the provincial government is preparing provisions respecting placement agencies which will be free of charge for workers, and which will be incorporated in the social affairs department. In Spanish West Africa there are no fee-charging agencies, and their establishment is not permitted by law.

* * *

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, Spain.

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

Argentina, Bulgaria.

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		

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

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

This Convention came into force on 18 July 1937

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

CHILE

In reply to a direct request made by the Committee of Experts, the Government has stated that information has been requested from the Superintendent of Social Security but has not yet been received. The Government will repeat its request for information and, should the latter not be satisfactory, order a study to be undertaken with a view to amending the existing legislation.

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

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

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

This Convention came into force on 22 November 1936

Countries	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 ¹	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.

CEYLON

Employment of Women, Young Persons and Children (Amendment) Act, No. 43 of 1964.

In reply to an observation made by the Committee of Experts, the Government has stated that the above-mentioned Act has brought national legislation into conformity with the Convention.

HUNGARY

In reply to an observation made by the Committee of Experts, the Government has supplied the following information.

According to a study on questions concerning the application of the Convention, it will not be possible in the near future—especially in the light of manpower requirements—to enact legislation to prohibit night work by women now employed on shift work, particularly in the textile industry.

Nevertheless, the Hungarian Government, being aware of the I.L.O.'s efforts to achieve the application of the Convention and wishing to avoid increasing any difficulties in this respect, does not intend to denounce the Convention.

Since many advanced countries have not yet ratified the Convention, the Government feels that the Committee is not entirely justified in generalising its observations, the more so as the complexity of the problems involved is proved by the report entitled *Women Workers in a Changing World* submitted to the International Labour Conference in 1964.

Consequently, the Government believes that it is taking a realistic stand in considering, contrary to the observations made by the Committee of Experts, that the problems involved are too vast and too deeply rooted for the I.L.O. not to take them into account sooner or later in evaluating the application of the Convention.

* * *

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

Argentina, Central African Republic, Gabon, Niger.

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

Ceylon, Congo (Brazzaville), Hungary, Iraq, Ivory Coast, Malagasy Republic, Mali, Mauritania, Morocco, Peru, Togo, Upper Volta.

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

This Convention came into force on 17 June 1936

Countries	Ratification registered on	Countries	Ratification registered on
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

ARGENTINA

See under Convention No. 13.

AUSTRALIA

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

Commonwealth legislation regarding workmen's compensation for industrial accidents or occupational diseases is administered in the way required by the Convention as explained by the Committee. The legislation of the various states and territories refers to relations between employers and workers in the private sector and it is not possible to specify whether instructions exist as to the manner in which this legislation should be applied. However, the Government considers that a worker experiences no more difficulty in obtaining compensation under the laws of, say, New South Wales or Queensland, than under those of the state of Victoria, which has adopted the dual list recommended in the Convention. The difference is, therefore, one of form rather than one of substance.

The Government has also provided the following information which it has obtained from the competent authorities of the various states and territories of the Commonwealth.

Australian Capital Territory and Northern Territory.

The legislation respecting workmen's compensation is, in practice, interpreted and applied in such a way as to cover all diseases listed by the Convention in the way indicated by the Committee. Any discrepancy is, therefore, purely a matter of form.

New South Wales and Queensland.

The local authorities confirm that the legislation is applied, in practice, in such a way as to cover all the diseases mentioned in the Convention.

South Australia.

Reference is made to section 82 of the Workmen's Compensation Act, which states that compensation is due to any worker who contracts a disease certified to be due to the nature of his employment and to have caused incapacity for work, or death. Section 89 of the same Act provides that if the worker is employed in any process mentioned in the schedule to the Act and contracts a disease mentioned therein, the disease shall be deemed to be due to the nature of the employment, unless the employer proves the contrary. In the circumstances it is considered that the legislation affords workers better protection than the Convention and that no further legislative action is necessary. With regard to the loading, unloading and transport of merchandise, these processes are covered by the law where the term "merchandise" is interpreted in the strict sense of animals or animal carcasses or parts of carcasses.

Tasmania.

With regard to poisoning by lead and mercury, the legislation is taken as covering poisoning by alloys and compounds of lead and amalgams and compounds of mercury and the sequelae of poisoning by these substances. With regard to silicosis, this disease must, according to the Convention, be the determining cause of incapacity or death. This is also the position taken by Tasmanian legislation. The presence of tuberculosis may make a worker more prone to silicosis, but silicosis itself is the disease for which compensation is due. Moreover, Tasmanian legislation is interpreted as covering the sequelae of poisoning by benzene and its homologues. Amendments would be made if any contestation were to arise regarding compensation for these diseases. The same applies to the sequelae of poisoning by phosphorus and arsenic. Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series is covered by the wording relating to "dermatitis produced by industrial solvents", and pathological manifestations due to radiation are covered by the wording concerning "debilitating diseases produced by exposure to radioactive substances".

As regards the absence of a list of processes corresponding to these diseases, it is pointed out that this is due to the fact that the legislation does not restrict the right to compensation to certain categories of workers employed in those processes but grants it to all workers, provided that they can produce a medical certificate to the effect that the disease actually arose out of the employment or was contracted during the employment.

It is considered that the discrepancies pointed out by the Committee are more apparent than substantial, but it is pointed out that when the legislation is next revised the requests of the Committee will again be considered in order to achieve better harmony with the Convention as regards form.

Victoria.

Proclamation of 29 April 1964 to amend the list of occupational diseases annexed to the Workers' Compensation Act, 1958.

With regard to poisoning by lead and mercury and anthrax infection, reference is made to Part VII of the Workers' Compensation Regulations, which covers the points raised by the Committee. As regards poisoning by homologues of benzene, the proclamation of 29 April 1964 amended the list attached to the Workers' Compensation Act, 1958, so as to include this kind of poisoning.

Western Australia.

Reference is made to sections 7 (1), 8 (1) and 8 (12) of the Workers' Compensation Act (Western Australia), according to which any worker injured in an accident or suffering from a disease arising out of his employment is entitled to compensation, whether or not the disease appears in the schedule to the Act. Hence the omission of any disease from that schedule does not affect the right to compensation: the only difference lies in the procedure followed. Consequently, the list attached to the Act is not restrictive and covers the sequelae of all forms of poisoning mentioned, as well as the processes corresponding to anthrax infection which are not specifically enumerated in the list. It is considered that the commitments arising out of the Convention are fully complied with, not only in theory but by the actual administration of the law and the interpretation placed on it.

BELGIUM

Act of 24 December 1963 respecting prevention of and compensation for occupational diseases (*Moniteur Belge (M.b.)*, 31 Dec. 1963, No. 261).

Royal Order of 18 January 1964 to draw up a preliminary list of occupational diseases giving rise to compensation (*M.b.*, 28 Jan. 1964, No. 20).

Royal Order of 9 March 1965 laying down rules for proposals for termination of employment made to persons having contracted, or threatened by, occupational diseases.

Royal Order of 13 April 1965 to appoint officials and agents to enforce the Act of 24 December 1963 and the orders issued thereunder.

The Government has stated that the Act of 24 December 1963 broadened the scope of the occupational disease insurance scheme to include undertakings which employ workers under apprenticeship contracts or a training period arrangement; family undertakings; vocational teaching establishments; and undertakings covered by the general social security scheme or the special scheme for miners and seamen. The Act also applies to rehabilitation centres and vocational guidance centres, state undertakings and bodies and those of the provinces and local communities, and bodies classified as being of public interest. The Government has stated that entitlement to compensation is subject to a worker's proving that he has been exposed to occupational hazards (this may include his mere presence at the workplace). The Act of 1963 abolishes the notion of trades or industries subject to the scheme and does not contain any list of undertakings where workers would be authorised to state that they were exposed to the occupational disease in question.

In reply to an observation and requests made by the Committee of Experts concerning the addition of the terms "loading, unloading and transport of merchandise" to the list of processes liable to cause anthrax infection, the Government has stated that the order of 18 January 1964, which is generally applicable and does not specify the trades and industries involving the risk of contracting this disease, also covers the above-mentioned operations.

BOLIVIA

In reply to an observation and requests made by the Committee of Experts the Government has stated that a Bill modifying the list of occupational diseases by the addition of anthrax, silico-tuberculosis, poisoning by benzene and its homologues, and poisoning by lead, mercury, phosphorus and arsenic is in preparation.

The Government has indicated that it will also take the necessary measures to bring national laws and regulations into line with the Convention as regards work liable to give rise to the occupational diseases in question.

CONGO (LEOPOLDVILLE)

Legislative Ordinance of 21 February 1965 respecting contracts of employment (*Moniteur congolais*, 31 Mar. 1965, Special Issue).

In reply to requests made by the Committee of Experts, the Government has stated that the necessary instructions have been given to the competent administrative service to have a draft ordinance respecting occupational diseases submitted to the President without delay, taking account of the points raised by the Committee, in particular as regards extension of compensation to silico-tuberculosis and the addition of poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and of processes liable to give rise to it.

CUBA

In reply to a request made by the Committee of Experts concerning the omission from the list of occupational diseases of some diseases mentioned in the Convention and the corresponding processes, the Government has supplied the following information.

Section 32 of the Act respecting social security, No. 1100 of 1963, the provisions of which are repeated in Order No. 4615, provides that diseases "caused by substances or agents used or present in the environment where the workers carry on their activities, and which call for medical treatment", are considered to be occupational diseases; in order to implement this section a list of occupational diseases will be drawn up which will, however, not be exclusive in that other diseases will be taken into consideration provided that they "can be proved to have the same cause". This definition shows that the scope of the national legislation is not restricted to a single branch of activity, trade or process, whether or not it is covered by Article 2 of the Convention; on the contrary, the law protects all workers coming into contact with the substances or agents used or present in the environment where they work. Furthermore, the fact that the national legislation specifies that the list of occupational diseases drawn up by the Ministry of Labour will not preclude other diseases from being taken into consideration, provided that they "can be proved to have the same cause", means that that list is not a restrictive one but allows scope for evaluation of the different ways in which a disease may have been caused once it has been shown that its origin is the same as that of diseases listed as occupational; in each individual case, the occupational nature of the disease will be determined by examination by a physician.

With regard to the absence of a list of processes liable to cause various occupational diseases, the Government has indicated that the broad definition given under section 32 of Act No. 1100 establishes a presumption the scope of which is even wider than that referred to by the Committee, since the terms of the Convention restrict the presumption to a limited list of trades, industries or processes which may expose workers to the risk of contracting the diseases mentioned.

CZECHOSLOVAKIA

Social Security Act of 4 June 1964 (*Sbírka Zákonů (S.Z.)*, 15 June 1964, No. 44, Text No. 101) (*L.S.* 1964—Cz. 2A).

Notification of 8 June 1964 of the State Social Security Office to provide for the application of the Social Security Act of 1964 (*S.Z.*, 15 June 1964, No. 44, Text No. 102).

The provisions concerning compensation in the case of industrial accidents and occupational diseases have been adjusted within the framework of the general social security scheme.

In reply to observations made by the Committee of Experts, the Government has stated that the new schedule of occupational diseases which is appended to the above-mentioned notification, and which entered into force as from 1 January 1965, lists under item 26 diseases communicated to human beings from animals either directly, or by carriers, if such diseases appear in undertakings where workers are exposed to this risk or where it can be proved that the disease had its origin in the employment.

The Government has pointed out that these terms cover also undertakings engaged in the loading and unloading or transportation of merchandise in general and that workers employed on this work, infected by anthrax, need not prove that this infection originated in their employment.

The Government has added that, even if diseases affect workers employed in undertakings where they are not exposed to the risk of diseases communicated to human beings from animals and where it is therefore necessary to prove the origin of such diseases, the state health administration section of hygiene and anti-epidemiological services are obliged, according to Act No. 40 of 1965 respecting contagious diseases, to make an investigation in order to ascertain the centre of infection and the causes and means of dissemination. The Government has indicated that it follows from this provision that, in every case of anthrax, the responsible state authority is obliged to investigate the cause and origin of the disease.

DENMARK

Act of 27 May 1964 to amend the Act of 1959 respecting employment injury insurance. Regulations No. 309 of 19 October 1964 issued by the Ministry of Welfare to amend the list of occupational diseases attached to the 1959 Act (*Lovtidende A*, 1964, No. XXII).

For the Government's reply to observations and requests of the Committee of Experts concerning the presumption of vocational origin of certain diseases listed in the Convention, see *Report of the Committee* (1964), p. 667.

FRANCE

Decree No. 63-865 of 3 August 1963 respecting the enforcement of section L 500 of the Social Security Code, which provides for compulsory notification to a physician of all illness of an occupational character (*Journal officiel (J.o.)*, 23 Apr. 1963).

Decree No. 63-983 of 24 September 1963 to amend section 1 of Act No. 56-683 of 12 July 1956 concerning the enforcement of section 53 of Act No. 46-2426 of 30 October 1946 respecting the prevention of and compensation for industrial accidents and occupational diseases (*J.o.*, 28 Sep. 1963).

Various other enactments.

The decree of 3 August 1963 brought up to date the list of occupational diseases which must be notified under section L 500 of the Social Security Code. The Government has indicated that this list is intended to draw the attention of physicians to a number of toxic substances or harmful physical agents liable to cause occupational diseases and that it was drawn up by the French Industrial Health Commission on the basis of international studies (by the I.L.O., the Commission of the European Economic Community, etc.). The Government has added that in cases of silicosis compensation is granted only subject to medical examination by a qualified practitioner and, in cases where the decision is more difficult, by three physicians acting in consultation, to be appointed by a legislative order.

With regard to the Government's reply to observations made by the Committee of Experts concerning the restrictive nature of the list of occupational diseases contained in French legislation and the omission from that list of certain toxic substances mentioned in the Convention, see *Report of the Committee* (1964), p. 667.

The Government has added that the surveys now being conducted in respect of a number of diseases of occupational origin will soon be terminated.

FEDERAL REPUBLIC OF GERMANY

Act of 30 April 1963 to reorganise the law governing the statutory accident insurance scheme (*Bundesgesetzblatt*, Part I, 9 May 1963, No. 23, p. 241) (*L.S.* 1963—Ger.F.R. 2).

Under section 551 of the above-mentioned Act occupational diseases are assimilated to industrial accidents. These diseases are determined by means of an ordinance enacted by the Federal Government in agreement with the Federal Council. Diseases classified as occupational are those which, according to medical science, result from the action of special factors to which certain defined categories of persons are exposed, on account of their work, to a notably greater degree than the rest of the population. Under the ordinance certain diseases may be considered occupational only to the extent that they have been caused by work done in certain undertakings.

The new Act requires the assurer to compensate also as occupational any disease which modern knowledge considers to result from an occupational activity, even if this disease is not specified in the ordinance in question or does not answer the conditions laid down in the ordinance.

The Government has stated that, since compensation for occupational diseases is assimilated to compensation for industrial accidents, it has not been considered necessary to amend or adapt the provisions in force in any other respect.

The Government has stated that the list of occupational diseases which must be compensated covers 47 complaints, among them the diseases set out in the schedule in the Convention. It adds that limitation of recognition as occupational diseases to those arising from work done in certain undertakings has been abandoned, except as regards infectious diseases. However, during the period covered by the report, this matter continued to be regulated by the ordinance of 28 April 1961.

GREECE

Ministerial Order No. 34406-1194 of 26 June 1964 to amend section 40 of the regulations of the Sickness Social Insurance Institute, in particular table 3 relating to anthrax as an occupational disease.

In reply to a request made by the Committee of Experts concerning the addition of loading, unloading and transport of merchandise to the list of processes relating to anthrax infection, the Government has sent a copy of the above-mentioned ministerial order and states that this order has brought national legislation into harmony with the schedule in the Convention.

IRAQ

In reply to a request made by the Committee of Experts, the Government has stated that the draft Labour Code prepared by the special committee set up for the purpose is still being studied and that all the points raised in the request have been brought to the knowledge of that committee.

MALTA

National Insurance Act No. VI of 1956, as amended by Act No. XII of 1957 and Act No. IX of 1962.

MEXICO

In reply to an observation made by the Committee of Experts, the Government has stated that, with a view to dissipating any doubt which the Committee may harbour with regard to the effective application of the Convention in Mexico, due to the great diversity of the country's labour legislation, it intends to make public the terms of the Convention (which by virtue of article 133 of the Constitution has become an integral part of the national legislation) by incorporating a note in section 326 of the Federal Labour Act to indicate that the provisions of Article 2 of the Convention have acquired the force of law in Mexico.

MOROCCO

In reply to an observation made by the Committee of Experts the Government has again stated that a draft which would complete the list of occupational diseases in accordance with the terms of the Convention is being studied and that the possibility of including in it poisoning by the amido-derivatives of benzene and its homologues is under examination.

NETHERLANDS

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

With regard to anthrax infection, the Act of 2 July 1928 listed the activities liable to cause this disease in the same way as is mentioned in the Convention but that definition was modified by the Act of 15 December 1938, by virtue of which entitlement to compensation was extended to persons who do not actually perform the work mentioned but may, by reason of their employment, have been exposed to the influence of dangerous substances. Thus, the personnel of an undertaking whose activities may be connected with anthrax-infected animals or parts of carcasses, but who do not themselves handle the animals, may claim compensation if they contract anthrax infection. The same applies to the clerical employees in such undertakings. The Government has added that, on the whole, the provisions of the national legislation are not less favourable than those of the Convention, and it refers in this connection to the text of the Employment Injury Benefits Convention, 1964 (No. 121), stating that Netherlands legislation is couched in much the same terms. The Government has also indicated that it has taken the necessary steps to ratify the latter Convention and that consequently it does not feel that it is necessary to bring the national legislation into line with Convention No. 42.

Furthermore, a Bill concerning the general insurance scheme for incapacity for work is before the States General for consideration and will eventually replace current legislation on this subject. According to the Bill, all insured persons will be entitled to compensation for incapacity for work, whatever the cause of such incapacity (employment injury, occupational disease or other causes).

As regard time limits, section 87 (a), paragraph 3, of the Employment Injury Act provides that an insured person or his dependants are authorised to prove that an occupational disease the symptoms of which appear after the time limit laid down by the Public Administrative Regulations of 1949 is connected with employment in any undertaking engaged in one of the activities listed in the Act.

NEW ZEALAND

Workers' Compensation (Amendment) Act, 1963 (*New Zealand Statutes (N.Z.S.)*, 1963, Vol. 1, p. 460).

Workers' Compensation (Amendment) Act, 1964 (*N.Z.S.*, 1964, Vol. 1, p. 172).

Social Security Act, 1964 (*N.Z.S.*, 1964, Vol. 2, p. 1171).

In reply to previous requests and observations made by the Committee of Experts with regard to the establishment of a list of occupational diseases in conformity with Article 2 of the Convention, the Government has stated that this Article appears to set out two conditions to be met before diseases listed in the schedule to the Article are considered to be occupational diseases: (a) the disease must affect workers engaged in the trades listed; and (b) the disease must result from occupation in an undertaking covered by the national legislation. Requirement (b) appears to introduce a causal element to be proved before a disease is considered to be an occupational disease. This would therefore seem to qualify any presumption arising from the structure of the schedule.

In these circumstances the Government considers that the national legislation, which provides for a very general causal link between a disease and any occupation of a type in which such disease might occur, falls within the scope of the language of Article 2. The Government has further stated that this matter has also been discussed with the Judge of the Compensation Court, who pointed out that, in his long experience in this capacity, he had met with no case in which a worker had encountered difficulty in establishing the necessary relationship in a claim to workers' compensation for personal injury occasioned by occupational disease.

The Government adds, however, that the matter will receive consideration in connection with a general review of the workers' compensation scheme which is being prepared.

RWANDA

In reply to requests made by the Committee of Experts, the Government has indicated that the orders to implement the Social Security Act of 15 November 1962, which will contain a list of occupational diseases, are now being drawn up. The list will include silicosis and will be communicated to the International Labour Office in the near future.

Reference is also made to the information provided under Convention No. 4.

SPAIN

Order of 8 April 1964 of the Ministry of Labour to amend certain paragraphs of the occupational disease insurance rules of 9 May 1962 (*Boletín Oficial del Estado*, 10 Apr. 1964, No. 87).

According to the order of 8 April 1964, silicosis associated with active tuberculosis causes full, permanent incapacity for work.

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

With regard to processes involving the liberation of phosphorus, arsenic, benzene and its homologues and the halogen derivatives of hydrocarbons of the aliphatic series, the national legislation does not use the term *separación* but the term *desprendimiento*. Moreover, "liberation" is not an "operation" in itself, but rather the consequence of handling, or carrying out operations with, the substances in question.

With regard to the list of processes corresponding to poisoning by benzene and its homologues, the Government has stated that the list is indicative rather than limitative and is so interpreted by the Mutual Fund for Employment Injury and Occupational Disease Insurance.

With regard to loading, unloading and transport of merchandise, the Government has indicated that the list of processes liable to cause anthrax infection is not limitative and that workers who contract this disease after having handled or transported animal carcasses are not required to prove that the animals were contaminated in order to be entitled to compensation.

The Government adds that in Spanish Guinea, by virtue of section 23 of the ordinance of 24 May 1962, undertakings are obliged to provide medical care and pharmaceutical supplies for workers and their families in case of sickness and that, in Ifni and the Sahara, the general provisions in force in the rest of the national territory are applicable by virtue of section 107 of the order of 2 March 1954.

SWEDEN

In reply to observations and requests made by the Committee of Experts with regard to the establishment of a list of occupational diseases and corresponding processes in conformity with Article 2 of the Convention, the Government has indicated

that it has nothing to add to its previous statements. However, it mentions in this context that the special committee set up to review the present employment injury insurance scheme is also studying the possibility of ratifying the Employment Injury Benefits Convention, 1964 (No. 121), in the light of the provisions of Article 8 (b) of Convention No. 42.

Reference is also made to the *Report of the Committee* (1964), p. 667.

TURKEY

Social Insurance Act, No. 506 of 17 July 1964 (*Resmî Gazete*, 29 July and 1 Aug. 1964, Nos. 11766 and 11767) (*L.S.* 1964—Tur. 1).

Regulations made under section 135 of the Act.

The new Social Insurance Act consolidates several enactments previously in force. The Government has stated that sections 129 and 135 of the Act deal with the application of the Convention in the sense that the former provides for the assessment of a High Commission for Health, composed of labour, hygiene and safety physicians appointed by the ministries and employers' and workers' organisations concerned, while the latter refers to the approval of regulations, including a list of occupational diseases that give rise to compensation. The new Act also provides for workmen injured in industrial accidents or suffering from an occupational disease to receive medical care for as long as their state of health so requires and to receive cash benefit in case of temporary incapacity for work.

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

With regard to anthrax infection, the loading, unloading and transport of merchandise were included in the national legislation by an amendment dating from 1957 and are also mentioned in the new regulations.

The new regulations also refer to poisoning by the halogen derivatives of hydrocarbons of the aliphatic series in general terms, so as to cover all forms of poisoning contemplated in the Convention.

Regarding pathological manifestations due to radiation, the Government adds that the remarks of the Committee are probably due to an error in translation, since the list of such manifestations in Turkish legislation is preceded by the words "such as", implying that compensation is not restricted to subcutaneous disorders but covers all risks inherent in exposure to radiation.

UNITED KINGDOM

National Insurance and Industrial Injuries (Reciprocal Agreement with the Republic of Ireland) Order (Northern Ireland), 1964 (*Statutory Rules and Orders (S.R. and O.)*, 1964, No. 142).

National Insurance and Industrial Injuries (Guernsey) Order, 1965 (*Statutory Instruments (S.I.)*, 1965, No. 1130).

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1965 (*S.I.*, 1965, No. 1264).

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations (Northern Ireland), 1965 (*S.R. and O.*, 1965, No. 126).

Various other legislative texts.

In reply to requests made by the Committee of Experts with regard to the loading, unloading or transport of merchandise and to poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, the Government has stated that the observations of the Committee have been noted and that it cannot add anything to its previous replies on these points.

* * *

For information relating to the following countries, see under Convention No. 18:

Italy, Japan, Luxembourg.

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

Austria, Ireland, Norway, Poland.

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

Argentina, Brazil, Bulgaria, Burma, Finland, Hungary.

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.

MEXICO

In reply to an observation made by the Committee of Experts, the Government has stated that, with a view to dissipating any doubt which the Committee may harbour with regard to the effective application of this Convention and Convention No. 49 in Mexico, due to the great diversity of the country's labour legislation, it intends to make public the terms of these Conventions (which by virtue of article 133 of the Constitution have become an integral part of the national legislation) by incorporating a note in section 75 of the Federal Labour Act to indicate that the provisions of Articles 2 and 3 of the Conventions have acquired the force of law in Mexico.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Netherlands	17. 1. 1966
Bulgaria	29. 12. 1949	New Zealand	29. 3. 1938
Cyprus	8. 10. 1965	Norway	20. 5. 1957
Czechoslovakia	12. 6. 1950	Peru	4. 4. 1962
France	21. 2. 1949	Switzerland	14. 6. 1939
Ireland	10. 6. 1937	United Kingdom	29. 4. 1936
Italy	22. 10. 1952		

BULGARIA

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

Article 2, paragraph 2, of the Convention. Exceptions from the scope of the Convention as listed under Article 2, paragraph 2, are not contemplated by Bulgarian law other than with regard to workers in receipt of pensions, in accordance with clause (g).

Article 3. There is no partial or total unemployment as a social problem in Bulgaria. A number of government texts prescribe concrete measures for creating half-day employment opportunities for workers who, for personal or family reasons, do not wish to work full time.

Article 10, paragraph 1. The matter dealt with in this Article is governed by the following texts: section 12 of the ordinance of 7 April 1958 respecting the indemnities and benefits payable in the event of the dismissal of wage and salary earners; Instruction No. A-31; Circular No. 8501 of 1 September 1958.

Section 3 of the above-mentioned circular provides for registered persons to be directed towards employment which suits their skills, age and state of health and family situation, taking into account the location of the workplace.

Article 11. The benefit prescribed under section 8 of the ordinance respecting indemnities and benefits payable in the event of dismissal of wage and salary earners is payable for 13 weeks, which is a sufficiently long time to allow the person in question to find employment.

Article 12. Under section 7 of the above-mentioned ordinance, entitlement to a personal allowance is determined by the number of members in the unemployed person's family and their total income. However, cash indemnities and benefits are payable to wage and salary earners without any insurance premium being required of them.

CZECHOSLOVAKIA

Labour Code, Act No. 65 of 16 June 1965 (*Sbírka Zákonů* (S.Z.), 30 June 1965, No. 32) (L.S. 1965—Cz. 1).

Government Ordinance No. 66 of 23 June 1965 (S.Z., 30 June 1965, No. 32) and Notification No. 82 of 21 July 1965 of the Central Council of Trade Unions to apply the Code (S.Z., 11 Aug. 1965, No. 38).

In reply to observations which the Committee of Experts has been making since 1955, the Government has drawn attention to the entry into force of the Labour Code on 1 January 1966. Under section 26 (2) of the Code "the Government may, after

consultation with the Central Council of Trade Unions, issue regulations whereby citizens enjoy material security before entering employment and whereby their admission to employment is facilitated”.

FRANCE

Act of 18 December 1963 to establish the National Employment Fund (*Journal officiel (J.o.)*, 20 Dec. 1963).

Decrees Nos. 64-164, 64-165 and 64-166 of 24 February 1964 to implement the above-mentioned Act (*J. o.*, 24 and 25 Feb. 1964).

The new legislation lays down a system of special payments for certain categories of workers who are deprived of employment.

In reply to a direct request made by the Committee of Experts, the Government has stated that it does not at present intend to conclude with Spain and Switzerland agreements relating to unemployment pay for frontier workers. The European Economic Community regulations of 3 April 1963 have applied since 1 January 1964.

IRELAND

Social Welfare (Modifications and Insurance) (Amendment) Regulations, 1963.

Social Welfare (Disability, Unemployment and Marriage Benefit) (Amendment) Regulations, 1963.

Social Welfare (General Benefit) (Amendment) Regulations, 1963.

Social Welfare (Assistance Decisions and Appeals) (Amendment) Regulations, 1963.

Social Welfare (Share Fishermen) Regulations, 1964.

Social Welfare (Northern Ireland Reciprocal Arrangements) Order, 1964.

Social Welfare (Disability, Unemployment and Marriage Benefit) (Amendment) Regulations, 1965.

Various other texts.

The Social Welfare (Northern Ireland Reciprocal Arrangements) Order, 1964, gave effect from 5 October 1964 to a new agreement between Northern Ireland and the Republic of Ireland in the field of national insurance and social welfare benefits. The unemployment benefit provisions of the agreement are substantially the same as those of the old agreement. Unemployment benefit on foot of a transfer may, if sufficient contributions are available, be paid up to a limit of 156 days.

NEW ZEALAND

Social Security Act, 1964 (*New Zealand Statutes*, 1964, Vol. 2, p. 1171).

The above-mentioned Act strengthens the provisions of the Social Security Act of 1938 as amended. Sections 58 to 60 of the new Act refer to unemployment insurance.

According to this part of the Act, all persons over the age of 60 who do not receive old-age insurance benefit receive unemployment insurance benefit, provided that the Social Security Commission considers that they meet certain requirements. The insurance rate paid to each beneficiary is always fixed by the Commission taking into account all other sources of income of the beneficiary or his or her spouse.

According to section 58, a married woman is entitled to insurance benefit only if her husband cannot provide for her needs. If the wife of a beneficiary does not receive any benefit, the Commission may increase the rate of benefit payable to the husband. The Commission may also decide to postpone for periods not exceeding six weeks the commencement of payment of benefit, or to terminate the payment of benefit already granted, should it come to the knowledge of the Commission that the beneficiary has refused a reasonable offer of employment without sufficient grounds. Except for these provisions, unemployment insurance is payable as long as the beneficiary satisfies the requirements laid down in section 58 of the Act and until such time as he becomes eligible for other forms of benefit.

NORWAY

Article 11 of the Convention. In reply to a direct request made by the Committee of Experts, the Government has stated in its report that the matter has been taken up for consideration by the Ministry of Local Government and Labour but that the examination and study required will take some time and that consequently a final reply cannot yet be provided.

SWITZERLAND

Agreement concluded between Switzerland and Italy on 10 August 1964 respecting the emigration of Italian workers to Switzerland, which came into force on 22 April 1965.
Implementing circular of 25 June 1965 of the Federal Office of Industry, Arts and Crafts, and Labour respecting the effect of the above-mentioned agreement on unemployment insurance.
Federal Council Order of 7 February 1964 extending the scope of the rider respecting bad weather allowances in the building industry and public works.
Federal Council Order of 11 February 1964 respecting the amendment of the rules made under the Federal Unemployment Insurance Act.
Federal Department of Public Economy Order No. 2 of 7 August 1964 respecting unemployment insurance (international organisations whose staff are not subject to the unemployment insurance scheme).

UNITED KINGDOM

National Insurance, Etc., Act, 1964.
National Insurance (Continental Shelf) Regulations, 1964 (*Statutory Instruments*, 1964, p. 1855).
National Insurance and Industrial Injuries (Reciprocal Agreement with Guernsey) Order (Northern Ireland), 1965 (*Statutory Rules and Orders*, 1965, No. 173).
Various other texts.

Under the National Insurance (Continental Shelf) Regulations, 1964, a person in an area designated under the Continental Shelf Act, who would be able to receive benefit but for the bar under the National Insurance Act on payment of benefit to a person absent from Great Britain, can receive benefit provided his absence is due to his being or having been in prescribed employment in a designated area.

A reciprocal agreement with Guernsey covering unemployment among other social insurance risks came into force on 24 May 1965. The agreement provides for unemployment insurance rights acquired or being acquired in one country to be maintained in the other. The agreement also extends to Northern Ireland. An order giving effect to it in Northern Ireland was signed on 23 August 1965. A revised reciprocal agreement has been made with the Republic of Ireland. This supersedes the agreement made between Northern Ireland and the Republic of Ireland in 1953.

* * *

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

45. Underground Work (Women) Convention, 1935

This Convention came into force on 30 May 1937

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	14. 5. 1937	Kenya	13. 1. 1964
Argentina	14. 3. 1950	Lebanon	26. 7. 1962
Australia	7. 10. 1953	Luxembourg	3. 3. 1958
Austria	3. 7. 1937	Malawi	22. 3. 1965
Belgium	4. 8. 1937	Malaysia (States of Malaya)	11. 11. 1957
Brazil	22. 9. 1938	Mexico	21. 2. 1938
Bulgaria	29. 12. 1949	Morocco	20. 9. 1956
Byelorussia	4. 8. 1961	Netherlands	20. 2. 1937
Cameroon:		New Zealand	29. 3. 1938
Eastern Cameroon	29. 1. 1963	Nigeria	17. 10. 1960
Western Cameroon	3. 9. 1962	Pakistan	25. 3. 1938
Ceylon	20. 12. 1950	Panama	16. 2. 1959
Chile	16. 3. 1946	Peru	8. 11. 1945
China	2. 12. 1936	Poland	15. 6. 1957
Costa Rica	22. 3. 1960	Portugal	18. 10. 1937
Cuba	14. 4. 1936	Sierra Leone	13. 6. 1961
Cyprus	23. 9. 1960	Singapore	25. 10. 1965
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

AUSTRALIA

Queensland.

Mines Regulations Act of 1964.

Except in Queensland no woman has ever been employed on underground work in mines in Australia, legislation specifically prohibiting such employment having been in existence for very many years.

CAMEROON

Western Cameroon

Labour Code Ordinance (*Laws of Nigeria*, revised edition, 1958, Cap. 91) (remains in force in Western Cameroon by virtue of section 53 of the Western Cameroon Constitution Law, 1961).

The provisions of Articles 1 to 3 of the Convention are exactly reproduced in sections 150 to 152 of the Labour Code Ordinance.

No underground mining operations have been carried on in Western Cameroon up to the present time.

CHILE

In reply to previous requests and observations made by the Committee of Experts, it is pointed out that the new Act No. 16-311 of 29 October 1965 (section 2), which inserts a new section (136bis) in the Labour Code, provides for the same exceptions to the prohibition of employment of females on underground work in mines as those listed in Article 3 of the Convention.

CHINA

In reply to an observation made by the Committee of Experts, the Government has indicated that, according to a report made by the Mining Inspection Commission of the province of Taiwan, no woman was working in any mine at the end of 1963.

CZECHOSLOVAKIA

Labour Code, Act No. 65 of 16 June 1965 (*Sbírka Zákonů*, 30 June 1965, No. 32) (L.S. 1965—Cz. 1) (section 150, paragraph 1).

GREECE

According to the Government's report, the regulations concerning work in mines and quarries will be issued in 1966.

HUNGARY

The Government has stated that no authorisation has in fact ever been granted for women to be employed in underground work on the basis of section 1, paragraph 2, of Decree No. 4 of 1962; in any case it is planned to amend the decree in the near future so as to eliminate even the theoretical possibility of work underground contrary to the provisions of the Convention.

IVORY COAST

Labour Code, Act No. 64-290 of 1 August 1964 (*Journal officiel de la République de la Côte d'Ivoire*, (J.o.R.C.I.), 17 Aug. 1964, No. 44, Extraordinary, p. 1059) (repeals and replaces Act No. 52-1322 of 15 December 1952) (L.S. 1964—I.C. 1).

Decree No. 64-453 of 20 November 1964 respecting penalties for breaches of section 190 of the Labour Code (J.o.R.C.I., 1964, p. 1635).

NETHERLANDS

Decree of 21 December 1964 to establish Mines Regulations (*Staatsblad*, 1964, No. 538).

SINGAPORE

Labour Ordinance, No. 40 of 29 November 1955 (*Laws of Singapore*, Vol. I).

In reply to a request made by the Committee of Experts, the Government has indicated that section 122 of the Labour Ordinance prohibits the employment of women on underground work in mines.

SPAIN

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

Order of 30 November 1957 to approve territorial labour regulations for Spanish West Africa (B.O.E., 12 Dec. 1957, No. 310).

SWITZERLAND

Labour Act, Federal Act of 13 March 1964 respecting work in industry, arts and crafts and commerce (*Feuille fédérale*, 19 Mar. 1964, No. 11, p. 567) (*L.S.* 1964—Swi. 1).

YUGOSLAVIA

Act of 4 April 1965 respecting employment relationships (*Službeni List*, 7 Apr. 1965, No. 17, Text No. 352, as corrected in *S.L.*, 5 May 1965, No. 21, p. 982) (*L.S.* 1965—Yug. 4).

According to section 33 of the new Act respecting employment relationships, undertakings may not employ young persons under the age of 18, or women of any age, on work underground or on manual labour of a strenuous, dangerous or unhealthy nature.

* * *

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

Australia, Chile, Malaysia (States of Malaya), Yugoslavia.

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

Argentina, Austria, Belgium, Brazil, Bulgaria, Byelorussia, Cameroon (Eastern Cameroon), Ceylon, Costa Rica, Cuba, Cyprus, Finland, France, Gabon, Federal Republic of Germany, Ghana, Guatemala, India, Ireland, Italy, Japan, Kenya, Luxembourg, Malawi, Mexico, Morocco, New Zealand, Nigeria, Pakistan, Peru, Poland, Portugal, Sierra Leone, Somalia (ex-Trust Territory), Sweden, Syrian Arab Republic, Tanzania (Tanganyika), Tunisia, Turkey, Uganda, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, Zambia.

48. Maintenance of Migrants' Pension Rights Convention, 1935

This Convention came into force on 10 August 1938

Countries	Ratification registered on	Countries	Ratification registered on
Czechoslovakia ¹	12. 6. 1950	Poland	21. 3. 1938
Hungary	10. 8. 1937	Spain	8. 7. 1937
Israel	16. 1. 1963	Yugoslavia	4. 1. 1946
Italy	22. 10. 1952		
Netherlands	6. 10. 1938		

¹ Has denounced this Convention.

ISRAEL (First Report)

National Insurance Law of 18 November 1953 (*Sefer Ha-Chukkim*, 27 Nov. 1953, No. 137, p. 6) (*L.S.* 1953—Isr.3).

There is an old-age pension and survivors' benefit scheme in Israel which covers the whole population. Nationals of member States which have ratified the Convention receive the same treatment as Israeli nationals. The National Insurance Institute considers that, if a person covered by the national insurance scheme takes up residence temporarily or permanently in a foreign country the government of which has ratified the Convention, he is absent from Israel with the permission of the Institute within the meaning of section 67 (b) of the Act and therefore retains his rights vis-à-vis the Institute.

Entitlement to an old-age pension, or to survivors' benefits or pensions does not require insurance periods completed in other countries to be taken into account, since the law provides for very short qualifying periods—five years for an old-age pension and one year for survivors' benefits and pensions. In the case of new immigrants no qualifying period is necessary for entitlement to survivors' pensions.

Old-age pensions increase by 2 per cent. for each insurance year after the first ten years. However, no old-age pension may be increased by more than 50 per cent. of the initial amount. When retirement is delayed, an increase of 5 per cent. per year of delay is provided for, up to a maximum of 25 per cent.

There are no legal provisions or regulations giving effect to the provision of the Convention which stipulates that a claimant shall apply to only one of the insurance institutions concerned. The Government states that appropriate regulations will be adopted, should they be found necessary.

Compulsory invalidity insurance does not exist in Israel, so that the question has not yet arisen as to whether persons entitled to such benefit in a State which is a party to the Convention should continue to receive benefit on those grounds after emigrating to Israel.

Persons resident in the territory of a State which is a party to the Convention are entitled to benefits under the Israeli scheme irrespective of their nationality and, if they are nationals of that State, irrespective of their place of residence.

The National Insurance Institute generally pays out benefit to claimants who reside in the territory of member States which are parties to the Convention in local currency.

The Government has indicated that it will extend the exemption from fees of documentary proof to the insurance institutions of a member State, should the need arise.

Nationals of member States receive the same treatment as Israeli nationals with regard to both insurance coverage and the granting of benefit.

The Government has not made any use of the exception according to which it may reserve the payment of any subsidy or supplement to or fraction of a pension which is payable out of public funds to its own nationals.

No supplementary agreement under Article 10, paragraph 3, has been concluded.

The Government of Israel has concluded a bilateral agreement with the Netherlands which came into force on 1 November 1963 and governs the payment of old-age and widows' pensions to persons who are entitled to such pensions in the territory of one of the parties and reside in the territory of the other.

The Government has indicated that its efforts to conclude similar agreements with several countries of Eastern Europe (Poland, Czechoslovakia, Hungary, Yugoslavia) have not been successful. In this connection, it points out that many States which are parties to the Convention do not fulfil their obligations towards persons who are entitled to benefit in their territory and who now reside in Israel.

ITALY

Act No. 1781 of 31 October 1963 to ratify and implement the social security agreement concluded at Rome on 14 December 1962 between Italy and Switzerland.

In addition to the text of the above-mentioned Act the Government has also sent the texts of various National Social Insurance Institute circulars applying bilateral social security agreements concerning workers in the member countries of the European Economic Community which have been entered into in preceding years.

NETHERLANDS

Act of 19 December 1962 to issue interim rules for invalidity pensioners (*Staatsblad (Sb.)*, 1962, No. 534).

Invalidity (Amendment) Act of 13 December 1963 (*Sb.*), 1963, No. 556).

General Old Age Insurance (Amendment) Act of 18 December 1963 (*Sb.*, 1963, No. 579).

General Widows' and Orphans' Insurance (Amendment) Act of 18 December 1963 (*Sb.*, 1963, No. 579).

General Old Age Insurance (Amendment) Act of 10 December 1964 (*Sb.*, 1964, No. 486).

General Widows' and Orphans' Insurance (Amendment) Act of 10 December 1964 (*Sb.*, 1964, No. 486).

Invalidity (Amendment) Act of 10 December 1964 (*Sb.*, 1964, No. 488).

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

No public administrative regulations have been issued under sections 45 and 48 of the General Old Age Insurance Act and section 60 of the General Widows' and Orphans' Insurance Act to extend the same treatment to nationals of States that are parties to the Convention as to nationals of the Netherlands.

However, Article 18 of the Convention is applied directly, when appropriate, to nationals of member States which have ratified the Convention. The Government is considering the possibility of issuing public administrative regulations to provide for the treatment of nationals of member States having ratified the Convention on the same footing as Netherlands nationals, in connection with the application of the transitional provisions of the General Old Age Insurance Act and the General Widows' and Orphans' Insurance Act.

SPAIN

In reply to requests made by the Committee of Experts, reference is made to the information supplied in the *Report of the Committee* (1964), p. 668.

* * *

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

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

Czechoslovakia, Hungary.

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		

MEXICO

See under Convention No. 43.

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Norway	7. 7. 1937
Belgium	26. 7. 1948	Rwanda	18. 9. 1962
Burundi	11. 3. 1963	Sierra Leone	13. 6. 1961
Cameroon (Western Cameroon)	3. 9. 1962	Singapore	25. 10. 1965
Congo (Leopoldville)	20. 9. 1960	Somalia (ex-British Somaliland)	18. 11. 1960
Ghana	20. 5. 1957	Tanzania:	
Jamaica	26. 12. 1962	Tanganyika	30. 1. 1962
Japan	8. 9. 1938	Zanzibar	22. 6. 1964
Kenya	13. 1. 1964	Trinidad and Tobago	24. 5. 1963
Malaysia:		Uganda	4. 6. 1963
States of Malaya	11. 11. 1957	United Kingdom ¹	22. 5. 1939
Sabah, Sarawak	3. 3. 1964	Zambia	2. 12. 1964
New Zealand ¹	8. 7. 1947		
Nigeria	17. 10. 1960		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

ARGENTINA

Act No. 14250 of 13 October 1953 respecting collective agreements (*Boletín Oficial (B.O.)*, 20 Oct. 1953).

Decree No. 6582 of 26 April 1954 to implement Act No. 14250 (*B.O.*, 29 Apr. 1954).

Resolution No. 78-45 of 12 June 1945 concerning the recruitment of labourers for the sugar industry.

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

The Ministry of Labour and Social Security participates in the conclusion of contracts of employment through regional delegations, as prescribed by Resolution No. 78-45. Although this resolution relates to the sugar industry, the same procedure is followed in stock-breeding and mining undertakings. Such participation makes it possible to ensure that the employment relationship is in strict conformity with the relevant laws and regulations. Wages and other conditions of work in the sugar industry are established by means of collective agreements, which, under Act No. 14250 and Decree No. 6582, cover all persons employed in the branch of activity concerned. Working relations are established directly between the employer and the worker.

As yet there are no statistics available on the number and nature of recruiting licences issued, the number of workers recruited or the activities of inspection services in the enforcement of the relevant laws and regulations.

In reply to an observation made by the Committee of Experts, reference is made to the information supplied under Convention No. 13.

MALAWI

Employment Ordinance, No. 14 of 1964.

Article 2 of the Convention. There is no recruiting of workers for employment outside Malawi, but a considerable number of Malawi citizens spontaneously offer themselves at employment exchanges throughout the country for employment in the Republic of South Africa and in Rhodesia. Normally, volunteers asking for work in these territories are given letters of introduction to the employers' organisations in Malawi. If engaged by the employers' organisations, the volunteer then signs a

contract for one year or 18 months in the case of employment in the Republic of South Africa, or for two or three years in the case of employment in Rhodesia. Such contracts are certified by an officer of the Ministry of Labour. The form of the contracts concerned has been established in consultation with the Ministry. Since all workers proceeding under these contracts offer themselves spontaneously for employment, the Government does not consider that this is to be regarded as recruiting.

Article 18. The Minister of Labour has waived the necessity for medical inspections of workers who are recruited from one part of the country for employment in another part because the medical services are insufficiently developed to undertake this duty. Also climatic conditions within Malawi do not differ sufficiently to present hazards to the health of any person who is required to work away from his normal place of domicile. Persons offering themselves spontaneously at employment exchanges and labour offices for employment in the Republic of South Africa and in Rhodesia are medically examined by the employing agencies' medical officers before departure from Malawi and on arrival at a centre in the country of employment.

Article 24. In agreement with the Republic of South Africa and with Rhodesia, Malawi government representatives (who are labour officers) are responsible for dealing with any problems arising out of the employment of Malawi nationals in these countries. The government representatives visit all major places of employment in which considerable numbers of Malawi workers are employed, in order to ensure that the terms of the contracts of service are carried out.

* * *

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

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		

ARGENTINA

In reply to a request made by the Committee of Experts, the Government has communicated several court rulings relating to the duration of sick leave and annual holidays.

BRAZIL

In reply to a request made by the Committee of Experts, the Government has stated that section 143 of the Labour Code, which provides that an employer who fails to grant an annual holiday to an employee who has acquired the right thereto must pay him a sum equal to twice the value of the holiday not granted, does not exclude section 129, which is the substantive provision of the Code and which provides that every employee shall be entitled to an annual holiday with pay. Section 143 does no more than supplement section 146 of the Labour Code: the former section prescribes a civil remedy for the worker in consideration of his not being granted an annual holiday, whereas the latter section prescribes penalties applicable to the employer for the violation of the Code, without prejudice to the civil remedy provided for in section 143. Thus the legislation is in conformity with the Convention.

Moreover, the draft of a new Labour Code contains provisions strengthening the protective nature of the legislation. Thus section 119 of the draft states that if an employer refuses to grant an employee the paid holiday to which he is entitled within the proper period, the employee shall choose the time at which he desires to take the holiday within the following six months and shall be entitled to double pay, except where the refusal is based on a provision of the Code.

BULGARIA

Decree to repeal section 177 (b) of the Labour Code (*D'rzhaven Vestnik*, 3 Aug. 1965, No. 61).

In reply to a request made by the Committee of Experts, the Government has referred to the above-mentioned decree of 3 August 1965.

BYELORUSSIA

In reply to an observation and request made by the Committee of Experts, the Government has provided the following information.

Sections 91, 116 and 120 of the Labour Code have no practical importance since no funds are now allocated for the purpose in question. All workers are entitled to a longer annual holiday than that provided for by the Convention. There is therefore no need to adopt further legislation, even in respect of the dividing up of holidays.

CUBA

In reply to a request made by the Committee of Experts, the Government has stated that no provision exists in the legislation which permits the reduction of the duration of annual holidays and that periods of non-attendance at work owing to sickness may not be considered as holiday periods. Under Order No. 5798 of 27 August 1962 only the Ministry of Labour may authorise the postponement of annual holidays.

CZECHOSLOVAKIA

Labour Code, Act No. 65 of 16 June 1965 (*Sbírka Zákonů (S.Z.)*, 30 June 1965, No. 32) (*L.S.* 1965—Cz. 1).

Government Ordinance No. 66 of 23 June 1965 to apply the Code (*S.Z.*, 30 June 1965, No. 32).

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

While section 109 of the Labour Code provides for compensation for holidays not taken, it stipulates that every worker must be enabled to take one week's holiday (two weeks in the case of workers under 18 years of age) which in no case may be replaced by an indemnity.

Reduction of the holiday period owing to absenteeism takes place solely for disciplinary reasons. The minimum period of annual holidays required by the Convention may be affected only in the rare cases of persistent absenteeism, but the decision to reduce the annual holiday is an objective one, since it is taken after consultation between the undertaking and the union concerned, and it may, moreover, subsequently be annulled if the worker performs his duties well.

FINLAND

In reply to a request made by the Committee of Experts, the Government has stated that it will consider the submission of a proposal to amend the present Act respecting annual holidays for workers in order to bring it into conformity with Article 3 of the Convention; and that section 1, paragraph 3, of the Annual Holidays Act, which excludes persons whose remuneration consists solely of a share in the profits, now has little practical importance.

GABON

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

Article 2, paragraph 3 (b), of the Convention. Section 121 (5) of the Labour Code prohibits the inclusion of periods of sickness when calculating the period of the annual holiday.

Article 3. Section 124 (2) of the Labour Code excludes the housing allowance from holiday pay because its inclusion, under former legislation, ran counter to the practice of providing free housing for workers, which is particularly important for workers employed away from their normal place of residence.

Article 4. Postponement of the annual holiday benefits expatriated workers, who are then entitled to longer holidays and to have their travel expenses covered by the employer.

GREECE

Royal Decrees Nos. 815 of 24 October 1962 and 625 of 5 October 1964 respecting the establishment of a special holiday fund for dockworkers (*Ephemeris tēs Kyvernesseos (E.K.)*, 10 Oct. 1965, No. 175).

Royal Decree No. 246 of 24 April 1964 respecting holidays with pay for cinema and theatre staff (*E.K.*, 14 May 1964, No. 78).

Royal Decree No. 715 of 16 November 1964 respecting the implementation of the legislation governing holidays with pay for workers in potteries, ceramics and tile industries (*E.K.*, 24 Nov. 1964, No. 236).

Act No. 4464 of 1965 to amend various provisions of the Public Servants Code (*E.K.*, 29 Apr. 1965, No. 72).

Act No. 4469 of 1965 respecting holidays with pay and the granting of holidays to workers in the construction industry (*E.K.*, 14 May 1965, No. 84).

Royal Decrees Nos. 246 and 715 fix the duration of holidays with pay in the industries concerned at 12 consecutive days a year.

In reply to a request made by the Committee of Experts, the Government has stated that the Ministry of Labour has prepared a draft law to provide, *inter alia*, during the annual holiday, for a cash equivalent for payments in kind, and has appended the text of section 140, paragraph 4, of the draft Labour Code.

HUNGARY

Ordinance No. 40 of 17 December 1955.

Decree No. 99 of 24 December 1964.

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

Article 2, paragraph 3 (b), of the Convention. The text of section 101 (2) of the decree respecting the application of the Labour Code has been replaced by section 14 (4) of Decree No. 99 of 24 December 1964.

Paragraph 4. Section 16 (2) of Decree No. 99 of 24 December 1964 lays down that, even in the case where a holiday with pay is divided up, one of the parts of the annual holiday with pay which has been so divided must contain at least six working days.

Article 3. Under the rules contained in Ordinance No. 40 of 17 December 1955 respecting the implementation of the Labour Code, the value of payments in kind is regarded as remuneration which is part of the basic salary, hence payments in kind are part of the average income within the meaning of section 140 of the ordinance. The ministries which supervise the undertakings where payments in kind are part of normal practice have likewise stated specifically that payments in kind are part of the average income. Ministerial Ordinance No. 162 of 1961 so provides, for example, in the case of the food industry. On the basis of provisions made by the ministries, payments in kind are made, for the period when workers are on holiday with pay, either in kind or by paying them the corresponding value of the payments in kind. In the circumstances the Government does not consider that it is necessary to adopt new regulations concerning this matter.

IRAQ

In reply to a direct request made by the Committee of Experts, the Government has stated that a copy of the draft Civil Service Law is being sent under separate cover. It has further stated that the points raised in the Committee's request are being brought to the notice of the committee set up to prepare the new draft Labour Law.

ITALY

Decree of 30 June 1965 to consolidate the provisions respecting compulsory insurance against industrial accidents and occupational diseases.

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

Provisions concerning the keeping of records (Article 7 of the Convention) are contained in the decree of 15 December 1936 respecting compulsory insurance against industrial accidents and occupational diseases. The decree of 30 June 1965, which reproduces those provisions, makes it compulsory to keep a record of hours worked, overtime and holidays.

IVORY COAST

Labour Code, Act No. 64-290 of 1 August 1964 (*Journal officiel de la République de la Côte d'Ivoire (J.o.R.C.I.)*, 17 Aug. 1964, No. 44, Extraordinary, p. 1059) (L.S. 1964—I.C.1).
Decree No. 64-453 of 20 November 1964 (*J.o.R.C.I.*, 1964, p. 1635).

Article 2, paragraph 3 (b), of the Convention. In reply to a request made by the Committee of Experts, the Government has stated that section 46 of the new Labour Code suspends the employment contract during periods of sickness and thus prevents the inclusion of such periods in the annual holiday period.

KUWAIT

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

The government personnel mentioned in section 2 (a) of the Labour Law (Private Sector), 1959, are covered by the Labour Law (Public Sector), 1960. The extension of the right to annual leave to workers in small non-mechanised undertakings is being considered. Periods of sickness may not be deducted from annual leave.

LIBYA (First Report)

Labour Code, Royal Decree of 22 November 1962 (*Al-jarida al-rasmiya*, 24 Nov. 1962, No. 17) (L.S. 1962—Libya 1).

Article 2 of the Convention. The provisions of section 35 of the Labour Code are identical to those of this Article. Every worker is entitled to an annual paid holiday, after six months of employment, on the basis of one day's holiday for each month of work. Young persons and certain categories of workers in advanced positions are entitled to 21 days' annual paid holiday.

Article 6. Section 36 of the Labour Code fulfils the requirements of this Article of the Convention.

MALAGASY REPUBLIC

Decree No. 60-124 of 1 June 1960.
Decree No. 60-150 of 3 October 1960.
Decree No. 62-220 of 18 May 1962.

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

Article 1, paragraph 3 (b), of the Convention. The above-mentioned decrees contain provisions respecting holidays for public servants, persons employed in certain community undertakings and railway staff.

Article 2, paragraph 3 (b). The contract of employment is suspended during periods of sickness but not during the holiday period. The holiday period may not, therefore, include periods of sickness. Moreover, according to juridical principles and custom, the two periods may not be confused.

Article 3. Under sections 60 and 86 of the Labour Code and under section 10 (2) of Decree No. 63-622 of 20 November 1963, remuneration shall also include supplementary payments in kind.

MAURITANIA (First Report)

Labour Code, Act No. 63-023 of 23 January 1963 (*Journal officiel de la République islamique de la Mauritanie (J.o.R.i.M.)*, 20 Feb. 1963, No. 106, p. 53, as corrected in *J.o.R.i.M.*, 15 May 1963, No. 112, p. 143) (*L.S. 1963—Mau. 1*).

Article 1 of the Convention. The draft Labour Code was submitted to the employers' and workers' organisations for examination. No part of the Code provides for a special scheme for family operated workshops. Public officials are not covered by the provisions of the Labour Code.

Article 2. The text does not provide for the annual holiday to be divided into parts.

Article 5. No use is made of the provisions of this Article.

Article 7. The wages book replaces to some extent the paid holidays register (section 91, paragraphs 1 and 2, and section 92 of Book I).

Supervision of the application of the Code is entrusted to the labour inspection service; infringements are punishable by police fines.

MEXICO

In reply to an observation made by the Committee of Experts, the Government has stated that, with a view to dissipating any doubts which the Committee may harbour with regard to the effective application of the Convention in Mexico, due to the great diversity of the country's labour legislation, it intends to make public the terms of the Convention (which by virtue of article 133 of the Constitution has become an integral part of the national legislation) by incorporating a note in section 210 of the Federal Labour Act to indicate that the provisions of Article 1 of the Convention have acquired the force of law in Mexico.

MOROCCO

In reply to a direct request made by the Committee of Experts, the Government has stated that, under section 16 of the decree of 9 January 1946, the accumulation of holidays is conditional upon the inclusion of an appropriate provision in the rules of the undertaking, in a collective agreement or in a written agreement between the employer and the employee. As a result, recourse is rarely had to the section in question.

NEW ZEALAND

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

The Government's report on the Holidays with Pay Recommendation, 1954 (No. 98), was intended to indicate that no statutory obligation is placed on an employer, under the Annual Holidays Act, 1944, to extend the period of annual leave,

should a worker fall sick during the period when such leave is actually being taken. This is not intended to imply that the duration of annual leave may be affected by interruptions of attendance at work due to sickness. Moreover, periods of absence from work due to sickness are not taken into account for the purpose of computing and reducing service for annual leave purposes, provided that the contract of service continues to subsist.

PERU

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

Article 2, paragraph 2, of the Convention. Annual holidays for young persons may be limited to ten days only under Act No. 13683, which applies to wage earners.

Paragraph 3 (*b*). The possibility of introducing legislation to prevent the deduction of periods of sickness from the holiday period is to be considered.

Article 3. Under Decree No. 14222 of 26 October 1962 remuneration in kind forms part of the basic remuneration according to which holiday pay is calculated.

Article 4. Accumulation of annual holidays is rare and is intended to enable workers to travel abroad.

Article 7. Under the resolution of 29 March 1954 employers are obliged to display the dates on which annual holidays with pay are taken by each person.

SENEGAL

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

Article 2, paragraph 1, of the Convention. Expatriated workers are not entitled to a holiday after 12 months of service, but they acquire the right thereto after 20 months of service.

Paragraph 3 (*b*). Section 57 (3) of the Labour Code provides for the suspension of contracts of employment during absence from work due to sickness. The Government points out that suspension of the contract implies that such periods of absence from work may not be deducted from the period of annual leave.

Article 4. A worker may not postpone his holiday for more than three years, since he loses his right thereto after the third year. Employers who do not grant their employees annual holidays are subject to the penalties set out in section 6 of Decree No. 62-017 of 22 January 1962. The section sets out a scale of penalties applicable to persons violating the provisions of the Labour Code.

SYRIAN ARAB REPUBLIC

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

Article 1 of the Convention. Under section 88 of the Labour Code of 1959 members of an employer's family who are his dependants are excluded from the provisions of the Code.

Article 2, paragraph 3 (a). No change has occurred in the legislation as regards the provisions of this Article.

Article 3. Most workers receive their wages in cash. It is understood that when they receive part of their wages in kind the amount thereof is calculated in relation to the part which is paid in cash.

TUNISIA

In reply to a request made by the Committee of Experts, the Government has stated that it has taken all possible measures to ensure that the proposed new Labour Code will be in conformity with the provisions of the Convention.

UNITED ARAB REPUBLIC

Decree No. 3546 of 20 December 1962 to promulgate regulations for workers employed by companies administered by public bodies (*Al-jarida al rasmiya*, 29 Dec. 1962).
Law No. 46 of 1964.

In reply to a request made by the Committee of Experts, the Government (*a*) has supplied a copy of Law No. 46 of 1964, section 48 of which provides for a paid annual holiday of one month for state employees; and (*b*) has stated that Decree No. 3546 of 1962 relates to the conditions of workers employed in public undertakings but contains no provisions respecting holidays, which are governed by the Labour Code.

YUGOSLAVIA

Act of 4 April 1965 respecting the records to be kept in matters relating to work (*Službeni List (S.L.)*, 5 Apr. 1965, No. 15, Text No. 315).

Act of 4 April 1965 respecting employment relationships (*S.L.*, 1965, 7 Apr. 1965, No. 17, Text No. 352, as corrected in *S.L.*, 5 May 1965, No. 21, p. 982) (*L.S.* 1965—Yug. 4).

Article 1 of the Convention. In accordance with the Constitution the Act respecting employment relationships guarantees a paid annual holiday to all workers, including civil servants.

The rights of workers in the service of private employers with regard to paid annual holidays are to be determined by a special law which will conform to the principles defined by the Employment Relationships Act.

Article 2. Under the Act respecting employment relationships, in accordance with the Constitution, workers are entitled to a minimum holiday of 14 days after 11 months of continuous service. The undertakings determine the length of the holiday for each worker, between the minimum limit (14 days) and the maximum limit (30 or 60 days) laid down by the Act. The length of the holiday of young workers under 18 years of age is increased by seven working days in relation to that of other workers.

Periods of absence which are counted as part of the period of service may not be deducted from the holiday period. Such absences include, *inter alia*, sick leave, paid public holidays, daily and weekly rest periods, paid absences for family or private reasons, and unpaid leave provided for in the general regulations of the undertaking. The fact that customary holidays are not expressly excluded from the annual holiday period does not in practice affect the application of the Convention, since the duration of the holiday to which workers are entitled exceeds the minimum period laid down by the Convention.

The holiday may be divided into two parts at the request or with the consent of the worker concerned.

Article 3. According to the Act respecting employment relationships a worker is entitled during his holiday to remuneration which is determined by the undertaking in its general regulations but which may not be lower than the average of his earnings during the three months preceding his holiday.

Article 4. A worker may not renounce his right to his holiday. Denial of the worker's right to his holiday results in liability to penalties.

Article 5. A worker may in no case be deprived of the remuneration due to him during his holiday even if he undertakes other work during that period. Efforts are, however, being made to persuade workers to use their holidays for the purpose for which they are intended.

Article 6. A worker may in no case be deprived of the holiday which is due to him. The holiday period is counted as a period of service.

Article 7. According to the Act respecting the records to be kept in matters relating to work, records must include all the information necessary for the grant of the rights deriving from employment relationships.

Article 8. The Act respecting employment relationships prescribes penalties for the contravention of its provisions concerning annual holidays with pay. The labour inspection service supervises the application of the Act.

* * *

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, Cuba, Denmark, Finland, France, Malagasy Republic, Morocco, New Zealand, Syrian Arab Republic.

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

Israel, Ukraine, U.S.S.R.

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

BULGARIA

Regulations concerning certificates of competency of seafarers approved by the Minister of Transport and Communications on 3 October 1961 (entered into force on 1 January 1962).

In reply to a direct request made by the Committee of Experts in 1964, the Government has sent a copy of the new regulations applying the Convention.

FRANCE

Decree No. 65-613 of 22 July 1965 to amend Decree No. 58-757 of 20 August 1958 respecting the conditions for the delivery of certificates as skipper and mate of fishing vessels (*Journal officiel* (J.o.), 28 July 1965, No. 172).

Order of 24 April 1965 to amend the competency requirements (J.o., 20 May 1965, No. 116).

MAURITANIA (First Report)

Merchant Shipping and Deep-Sea Fishing Code, Act No. 62-038 of 20 January 1962 (*Journal officiel de la République islamique de la Mauritanie* (J.o.R.i.M.), 21 Feb. 1962, p. 116), as amended by Act No. 63-148 of 19 July 1963 (J.o.R.i.M., 7 Aug. 1963, p. 261).

NEW ZEALAND

Shipping and Seamen Act, 1963 (*New Zealand Statutes* (N.Z.S.), 1963, Vol. 1, p. 810).

Shipping and Seamen Act, 1964 (N.Z.S., 1964, Vol. 2, p. 936).

Shipping Recognition of Certificates of Competency Order, 1965 (*Statutory Regulations*, 1965, Serial 1965-73).

The Government has stated that the Shipping and Seamen Act, 1964, amends section 19 of the Shipping and Seamen Act, 1952, by substituting new subsections and grades, and that the Shipping and Seamen (Amendment) Act, 1963, amends section 18 of the principal Act respecting the recognition of certificates of competency of other Commonwealth countries by the inclusion of the category of Republic of South Africa certificates of competency granted by or under the authority of the Government of the Republic of South Africa before 31 May 1962.

PERU (First Report)

Harbour Masters' and Merchant Navy Regulations of 31 October 1951.

The ratification thereof gives the Convention the force of law (article 123, paragraph 21, of the Constitution).

In accordance with paragraph 526 of the above-mentioned regulations, Peruvian vessels must be commanded by Peruvians who are in possession of the relevant certificate of competency. The same applies to the operation of the engines, with the exception that, in the case of ships in which new engines have been installed, the engagement of an engineer from the firm which has manufactured the engine may be authorised even if he is not in possession of the relevant certificate of competency.

The certificates of competency referred to in paragraph 527 of the regulations are issued after a proficiency examination has been passed. The certificates issued are those of master of ocean-going vessels, master of coastal vessels, first, second and third mate, engineers and machinists and other less important categories.

According to paragraph 515 of the regulations, only persons born in Peru of over 18 years and under 60 years of age may be registered as seafarers. Peruvian nationals born in a foreign country may be registered as seafarers under certain conditions, provided that they are over 21 and under 60 years of age.

In conformity with paragraph 551 of the regulations the requirements for obtaining certificates of competency include a minimum age and a minimum period of navigation corresponding to the certificate to be obtained, as well as the passing of an examination.

Paragraph 220 of the regulations contains provisions concerning the detention of vessels which do not comply with the requirements in respect of certificates.

Penalties for violations of the legislation are laid down in section 364 of the Penal Code.

The enforcement of the above-mentioned legislation is entrusted to the harbour masters.

PHILIPPINES

In reply to a direct request made by the Committee of Experts in 1965, the Government has forwarded a copy of the Revised Philippine Merchant Marine Regulations.

SYRIAN ARAB REPUBLIC

In reply to requests made by the Committee of Experts, the Government has stated that up to now it has not been able to form a merchant navy to which the provisions of the Convention could be applied but that it is none the less ready and willing to fulfil the obligations deriving therefrom as soon as Syria does have a merchant navy.

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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, Finland, Italy, Norway, United States, Yugoslavia.

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

Argentina, Brazil, Denmark, Mexico.

55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

This Convention came into force on 29 October 1939

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	11. 4. 1938	Mexico	15. 9. 1939
Bulgaria	29. 12. 1949	Morocco	14. 3. 1958
France	19. 6. 1947	Peru	4. 4. 1962
Italy	22. 10. 1952	United States	29. 10. 1938
Liberia	9. 5. 1960		

MEXICO

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

Section 303 of the Federal Labour Act, which is also applicable to seafarers, entitles temporarily incapacitated workers to compensation in the form of payment of wages in full from the first day of incapacity.

Section 162 of the Act, which concerns accidents on board ship, requires notification by the master of the vessel without prejudice to the other obligations laid down by the Act, from which it may be inferred that full wages are payable as long as the sick or injured person remains on board (Article 5 of the Convention).

Section 138 of the Act obliges the shipowner to cover the cost of repatriating seamen, since the Act makes no exception in respect of sick or injured persons landed during the voyage.

Section 296 of the Act provides that, if an injury entails the death of an employee, compensation shall include one month's wages to cover the funeral expenses.

PERU (First Report)

Act No. 1378 of 24 April 1911 respecting employment accidents.

Act No. 8433 of 12 August 1936 respecting compulsory social insurance (wage earners) (*L.S.* 1936—Peru 2).

Presidential Decree of 18 February 1941 to issue administrative regulations respecting compulsory social insurance for wage earners (*L.S.* 1941—Peru 1).

Presidential Decree of 18 May 1943 to provide that port workers shall be covered by the social insurance system (*El Peruano*, 20 May 1943, No. 726, p. 2).

Harbour Masters' and Merchant Navy Regulations of 31 October 1951 (paragraphs 691, 692 and 811 covering the rights of seamen in case of sickness, accident or death).

Article 1 of the Convention. The legal provisions apply to all seamen, whether nationals or aliens. The only exceptions concern seamen who are covered by special pension schemes authorised by the State.

Article 2. The shipowner's only obligation is to comply with the provisions of the legislation relating to compulsory social insurance and those of the Employment Accident Act, all of which are applicable to seamen.

Article 3. In accordance with section 13 of Act No. 1378, the shipowner is obliged to provide medical treatment and pharmaceutical supplies in the event of an employment injury to a wage earner or salaried employee for as long as the person concerned is unable to work or if permanent total or partial incapacity for work is certified.

Under paragraph 691 of the Harbour Masters' and Merchant Navy Regulations, seamen do not lose their rights to wages if they fall ill during the voyage.

Article 4. Seamen were included in the compulsory social insurance scheme by virtue of the decree of 18 May 1943. Section 1, paragraph 9, of Act No. 1378 places responsibility on the employer for accidents to workers in undertakings who are engaged in loading and unloading by means of mechanically powered apparatus.

In case of accident the shipowner is responsible for providing assistance to the worker until he is able to take up work again. Sickness benefit is payable by the compulsory social insurance scheme in accordance with the provisions of section 30 of Act No. 8433.

The shipowner's obligation to defray the expense of medical care and maintenance of the worker ceases when he has paid over the amount corresponding to the nature of the accident under the established tariff. If a shipowner has concluded individual or collective employment injury insurance contracts in respect of his workers with a properly constituted insurance company, his obligation goes no further.

Article 5. Sick seamen remain entitled to their wages during the voyage and, once they have disembarked, to a sickness allowance.

Article 6. Peruvian legislation does not specifically embody this provision of the Convention; paragraph 695 (6) (d) of the Harbour Masters' and Merchant Navy Regulations provides that seamen must be returned to their port of origin upon termination of their contract of employment on justified grounds, the cost of their passage being deducted from the amount due to them.

Article 7. In case of accidental death, the shipowner must defray burial expenses and pay the prescribed allowances to the seaman's dependants.

Articles 8 to 12. The master of the vessel is responsible for taking the necessary steps to protect property left on board by sick, injured or deceased persons.

Accidents occurring during a voyage must be notified to the harbour master on the day when the ship first enters a port in the country in which it is registered.

The ratification of the Convention by Congress gives it the force of law.

The Maritime Labour Supervisory Committee and the port authorities are the bodies responsible for enforcing the provisions corresponding to the requirements 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:

Belgium, France, Italy, Morocco.

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

Bulgaria, United States.

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Federal Republic of Germany . .	12. 12. 1956
Belgium	3. 8. 1949	Peru	4. 4. 1962
Bulgaria	29. 12. 1949	United Kingdom	30. 9. 1944
France	9. 12. 1948	Yugoslavia	13. 10. 1958

BELGIUM

Act of 9 August 1963 providing for the institution and organisation of a compulsory sickness and invalidity insurance scheme (*Moniteur belge (M.b.)*, 1 and 2 Nov. 1963).

Royal Order of 9 July 1964 respecting the entitlement to medical care of pensioners, widows and members of their families (*M.b.*, 12. Aug 1964).

Ministerial Order of 9 July 1964 to approve amendments to the general regulations governing sickness and invalidity insurance for seamen (*M.b.*, 12 Aug. 1964).

Under the Act of 9 August 1963 any disputes which may arise between insured persons and the insurance carrier in regard to the entitlement of insured persons to sickness benefit and the extent of such entitlement, or with respect to penalties imposed by the insurance carrier for failure by insured persons to carry out their obligations, are handled by the responsible administrative section of the general scheme.

In reply to a request made by the Committee of Experts for examples of cases where an insured person has been deemed to have deliberately made himself ill within the meaning of the first paragraph of section 114 of the Royal Order of 7 January 1958, the Government has recalled that the meaning given to the term "deliberate offence" is that attributed to it under criminal law, which makes a distinction between voluntary acts and offences due to negligence. The Welfare and Assistance Fund for Seamen Sailing under the Belgian Flag, which is responsible for the application of the aforementioned Royal Order, has not given notice of any cases of insured persons deliberately making themselves ill.

BULGARIA

See under Convention No. 24.

PERU (First Report)

Act No. 8433 of 12 August 1936 respecting compulsory social insurance (wage earners) (*L.S.* 1936—Peru 2).

Presidential Decree of 18 February 1941 to issue administrative regulations respecting compulsory social insurance (wage earners) (*L.S.* 1941—Peru 1).

Presidential Decree of 18 May 1943 to provide that port workers shall be covered by the social insurance system (*El Peruano (E.P.)*, 20 May 1943, No. 726, p. 2).

Act No. 13724 of 18 November 1961 to institute a social insurance scheme for salaried employees (*E.P.*, 20 Nov. 1961, No. 6173, p. 1) (*L.S.* 1961—Per. 3 A).

By virtue of article 123 of the Constitution, ratified international Conventions acquire the force of law.

Article 1 of the Convention. The officers and crew of vessels engaged in maritime navigation are covered by the social insurance scheme for wage earners and the social insurance scheme for salaried employees.

The social insurance scheme for wage earners covers all wage earners of both sexes under the age of 60, provided that their annual wages do not exceed 26,000 soles.

As regards salaried employees (which is the category under which officers of the merchant navy are classified), they are covered by the social insurance scheme for salaried employees, without distinction as to sex, nationality, age or manner of remuneration.

Article 2. The national wage earners' social insurance fund grants sickness benefit for a period of 26 weeks, which period may be extended to 52 weeks in the case of sickness which is of long duration or involves long convalescence. Benefit is granted when the insured person has paid at least four weekly contributions during the 120 days immediately preceding the sickness.

Salaried employees are covered by the provisions of section 66 of Act No. 13724, and to obtain benefit they are required to have paid at least four monthly contributions during the six calendar months immediately preceding the month in which sickness begins.

The Government has stated that it had already reported, in this connection, that seamen are entitled to benefit under the compulsory social insurance schemes for both wage earners and salaried employees.

Both the wage earners' and the salaried employees' social insurance schemes suspend cash benefit if the insured person refuses to obey the orders of the medical practitioner in attendance.

Article 3. The wage earners' and salaried employees' social insurance funds grant benefit without any contributions being paid by the insured persons.

Article 4. The national legislation contains no provision referring to the subject matter of this Article.

Article 5, paragraph 1. The regulations implementing the legislation concerning the wage earners' insurance scheme provide that maternity benefit is payable to women covered by the compulsory insurance scheme; the same benefit is extended to women insured under the insurance scheme for salaried employees.

Paragraph 2. The wives of both wage earners and salaried employees are entitled to maternity benefit, provided that the wage earners or salaried employees concerned have completed the prescribed qualifying period.

Article 6. Both the above-mentioned insurance schemes contemplate an allowance for funeral expenses.

Article 7. The Government has indicated that, as regards the salaried employees' social insurance scheme, the provisions of section 19, Chapter II, of Act No. 13724 are applicable, which set forth the rules for the voluntary continuance of compulsory insurance coverage. Under these rules an insured person who has been credited with at least 18 months of insurance during the previous 36 calendar months shall be entitled, on the cessation of his compulsory coverage, to continue to be insured under such branch or branches as he may choose, on condition that he was previously insured thereunder and provided that he registers within the three calendar months immediately following the month in respect of which he paid his last insurance contribution.

Optional insurance under the wage earners' social insurance scheme is open to persons who have been insured for at least five years and who are not covered by any other pension scheme.

Article 8. The financial resources of the Sickness and Maternity Fund, under the compulsory insurance schemes for salaried employees and wage earners, are provided by the insured persons, their employers and the State.

Article 9. The compulsory social insurance funds for salaried employees and wage earners are self-governing institutions having legal personality under public law and have their own financial resources distinct from those of the State.

The two governing bodies are composed of representatives of the public authorities, the employers and the insured persons.

Article 10. In case of dispute regarding entitlement to benefit, the insured person must appeal to the insurance institutions themselves or to the Ministry of Labour and Indigenous Affairs.

UNITED KINGDOM

See under Convention No. 17, especially as regards the abolition of prescription charges.

* * *

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

France, Federal Republic of Germany.

58. Minimum Age (Sea) Convention (Revised), 1936

This Convention came into force on 11 April 1939

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	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

BELGIUM

Royal Order of 18 August 1964 to fix the conditions in which children under 15 years of age may work on board fishing vessels.

Article 2, paragraph 2, of the Convention. Under paragraph 1 of the above-mentioned order, a child of at least 14 years of age who is studying in a school of fishery may occasionally take part in activities on board fishing vessels during the school holidays on condition that these activities are not harmful to the child's health and that a relation or connection is serving on board or on condition that the vessel belongs to the child's father or mother.

GREECE (First Report)

Act No. 4318 of 1 June 1963 (*Ephemeris tēs Kyvernesseos*, 11 June 1963, No. 88) to ratify the Convention.

The attention of the competent authorities has been called, by means of several circulars, to the provisions of the above-mentioned Act, which fixes at 15 years the minimum age for the admission of children to maritime work. A child of less than 15 years cannot be registered as a seaman unless it produces the consent of the person having authority for it, and unless proof is given that another person in the family of the child holds a seafarer's booklet. The crews of Greek ships are signed on under the supervision of the port authority, which does not permit the engagement of children of less than 15 years of age except in conformity with Article 2 of the Convention. All Greek ships have a crew list in which the names and dates of birth of all members of the crew are registered.

The age of crew members of Greek ships is supervised by the port authorities in Greece, by the port officers in certain foreign ports, and by the consular authorities elsewhere abroad.

JAMAICA

Juveniles Law.

Order in Council of 25 July 1927 to apply the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, to Jamaica. (The provisions of this Act are still applicable although Jamaica has become an independent State.)

Article 1 of the Convention. Section 69 of the Juvenile Law defines "ship" as "any sea-going ship or boat of any description which is registered as a British ship and which is habitually used only for voyages from one port to another in Jamaica or any of its dependencies".

Article 2. This Article is applied by section 71 of the Juveniles Law.

Article 3. No exception is made by the Juveniles Law.

Article 4. This Article is applied by section 2 of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

LIBERIA

In reply to a direct request made by the Committee of Experts the Government has stated that review of section 315 of the Maritime Law and of section 74 of the Labour Law indicates that the legislation effectively prevents the employment of children under 16 in all vessels and that no actual amendment to section 315 of the Maritime Law so as to prohibit the employment of children under 16 years of age in vessels under 1,600 gross tons is necessary.

MAURITANIA (First Report)

Merchant Shipping and Deep-Sea Fishing Code, Act No. 62-038 of 20 January 1962 (*Journal officiel de la République islamique de la Mauritanie (J.o.R.i.M.)*, 21 Feb. 1962, p. 116), as amended by Act No. 63-148 of 19 July 1963 (*J.o.R.i.M.*, 7 Aug. 1963, p. 261).

Order No. 10341 MPTT-CAB of 13 July 1962 respecting the conditions for the occupation of Mauritanian seaman.

Section 3 of the order provides that one of the requirements for entering employment at sea is to have completed 15 years of age.

The Head of the Maritime District of Port-Etienne is responsible for enforcing the law in this connection.

PERU (First Report)

Harbour Masters' and Merchant Navy Regulations of 31 October 1951.
Act No. 14033 of 24 February 1962.

Under paragraph 515 of the regulations the only persons who may be entered in the registers of seafaring personnel are Peruvians by birth of between 18 and 60 years of age who have a seafaring occupation, and aliens of between 21 and 60 years of age who have been resident in Peru for five years or more.

The harbour masters at the various ports are responsible for the application of the provisions of the Convention.

TANZANIA

Zanzibar (First Report)

Employment of Children, Young Persons and Adolescents (Restriction) Decree (*Laws of Zanzibar*, revised edition 1958, Cap. 56).

Section 12 of the above-mentioned decree implements Articles 2 and 3 of the Convention. Section 15 applies Article 4.

The Port Officer and the Port Officer's staff are entrusted with the application of this legislation.

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

Iceland, Ukraine.

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

Countries	Ratification registered on
Algeria	19. 10. 1962
Belgium	3. 10. 1951
Bulgaria	29. 12. 1949
Burundi	11. 3. 1963
Central African Republic	9. 6. 1964
Congo (Leopoldville)	20. 9. 1960
Finland	8. 4. 1947
France	16. 12. 1950
Federal Republic of Germany	14. 6. 1955
Honduras	17. 11. 1964
Hungary	8. 6. 1956

Countries	Ratification registered on
Mauritania	8. 11. 1963
Mexico	4. 7. 1941
Netherlands	2. 5. 1950
Peru	4. 4. 1962
Poland	17. 4. 1950
Rwanda	18. 9. 1962
Spain	24. 6. 1958
Switzerland	23. 5. 1940
Tunisia	12. 1. 1959
Uruguay	18. 3. 1954

MAURITANIA (First Report)

Order No 10292 of 2 June 1964 concerning safety measures in respect of lifting appliances other than passenger and goods lifts.

Order No. 10281 of 2 June 1965 to apply the provisions of Book II of the Labour Code (Title II: Health and Safety) relating to the special protection and health measures applicable to undertakings whose employees are engaged in building and civil engineering operations and any other operations affecting buildings.

The enforcement of the application of the relevant legislation is supervised by the labour inspectorate. No court decisions have been given. No observations have been submitted by employers' and workers' organisations.

MEXICO

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

Pursuant to the observations made with respect to Articles 11 to 15 and Article 17 of the Convention, the competent authorities have been requested to make the necessary amendments to the building and urban services regulations for the Federal District. The Committee will be informed of the consequences of this step in due course.

As regards the states of the Union, the Government has been in touch with the governors to point out to them the imperative need for legislation on the subject to bring the relevant regulations strictly into line with the Articles 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:

Belgium, Mexico.

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Mexico	16. 7. 1942
Australia ¹	5. 9. 1939	Netherlands	9. 3. 1940
Austria ^{1 2}	26. 11. 1958	New Zealand ¹	18. 1. 1940
Burma ^{2 3}	24. 11. 1961	Norway ³	29. 3. 1940
Canada	6. 4. 1946	Republic of South Africa ^{1 2}	8. 8. 1939
Ceylon ²	25. 8. 1952	Sweden ³	21. 6. 1939
Chile ³	10. 5. 1957	Switzerland ^{2 3}	23. 5. 1940
Cuba	7. 9. 1954	Syrian Arab Republic ^{2 3}	26. 7. 1960
Czechoslovakia	12. 6. 1950	Tanzania:	
Denmark ³	22. 6. 1939	Tanganyika ¹	19. 11. 1962
Finland ³	8. 4. 1947	Zanzibar	22. 6. 1964
France	28. 6. 1951	United Arab Republic ^{2 3}	5. 10. 1940
Federal Republic of Germany	22. 6. 1954	United Kingdom	26. 5. 1947
Guatemala	4. 8. 1961	Uruguay	18. 3. 1954
Ireland	9. 10. 1946		
Kenya	13. 1. 1964		

¹ Excluding Part II.

² Excluding Part IV.

³ Excluding Part III.

AUSTRALIA

PART II. STATISTICS OF AVERAGE EARNINGS AND OF HOURS ACTUALLY WORKED
IN MINING AND MANUFACTURING INDUSTRIES

Regular compilation of earnings and hours worked in various industries has not yet been instituted but in recent years a number of sample surveys have been made (see "Wage Rates and Earnings", in *Bulletin of the Commonwealth Bureau of Census and Statistics* (Canberra), July 1964 and Apr. 1965).

AUSTRIA

PART II. STATISTICS OF AVERAGE EARNINGS AND OF HOURS ACTUALLY WORKED
IN MINING AND MANUFACTURING INDUSTRIES

Preparations have begun for the compilation of statistics of earnings.

Article 21 of the Convention. In reply to a direct request made by the Committee of Experts, the Government has stated that a new Statistics Act provides a basis for statistics of wages and earnings; a weighting scheme for index calculations is being prepared.

CEYLON

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that statistics of average earnings and hours of work for all industries for which data are collected will be published in the Labour Commissioner's annual report covering the period 1964-65.

CHILE

In reply to an observation made by the Committee of Experts in 1965, the Government has stated that a new set of statistics of average monthly earnings in manufacturing and mining and an index for average earnings relating to all economic activities have been compiled by the Central Board of Statistics and Census.

DENMARK

Article 5 of the Convention. In reply to an observation made by the Committee of Experts in 1964, the Government has stated that, at the present time, the collection of statistical data on hours actually worked fully complying with the requirements of the Convention would present great practical difficulties. Some idea of approximate hours actually worked is obtained by compilations which depart from the normal week of 45 hours in that average overtime hours are added and estimated average hours of absence due to illness are deducted.

In connection with its production statistics the Statistical Department makes a monthly assessment of the number of hours actually worked in large industrial undertakings.

FINLAND

In reply to a direct request made by the Committee of Experts, the Government has stated that statistics of average weekly hours actually worked, by branches of industry, are regularly communicated to the I.L.O. for inclusion in the *Year Book of Labour Statistics*. The figures for the period 1960-64 will be published in a forthcoming issue of the review *Sosiaalinen Aikakauskirja* and thereafter annually. Statistics of hours worked per year (but not covering building and construction) are already published by the Central Office of Statistics.

MEXICO

In reply to an observation made by the Committee of Experts in 1965, the Government has supplied the following information.

Article 5 of the Convention. The Statistical Department compiles separately data on total man-hours and on the number of workers employed in manufacturing industries. By combining this information it is possible to arrive at average hours actually worked per worker.

Article 10, paragraph 2. Separate data for each sex and for adults and juveniles are not compiled, as minimum wages are the same for these groups of workers when they perform work of equal value. This principle is laid down in article 123 of the Constitution and in section 22 of the Federal Labour Act.

PART III. STATISTICS OF TIME RATES OF WAGES AND OF NORMAL HOURS OF WORK
IN MINING AND MANUFACTURING INDUSTRIES

Statistics of wage rates and of normal hours in manufacturing and mining have not been published so far. In a letter which is being sent to the Statistical Department the Ministry of Labour and Social Welfare is stressing the need for publication of such data.

SWEDEN

In reply to observations made by the Committee of Experts concerning statistics of hours worked in the building and construction industry, the Government has stated that the Central Bureau of Statistics has carried out surveys of production and employment in this industry for 1963-64. Data have been obtained on hours worked by various categories, but not on the number of wage earners. This survey will be made annually from 1965 onwards.

SYRIAN ARAB REPUBLIC

In reply to a direct request made by the Committee of Experts in 1964, the Government has indicated that a statistical report form has been prepared with a

view to applying the Convention. A draft outlining the measures to be undertaken to initiate earnings and hours of work surveys has been sent to the Central Statistical Committee. It is hoped that financial and technical difficulties will soon be overcome and that the Convention will be applied by 1966.

TANZANIA

Tanganyika

In the present circumstances in Tanzania, characterised by shortages of trained staff, difficult communications and a lack of statistical appreciation by the general public, the expansion and refinement of statistical data must be regarded as a long-term objective.

The bulk of the information relating to the country's labour force is obtained by means of an annual labour enumeration conducted by the Central Statistical Bureau. Experience has shown that only the simplest questions can be included in the postal questionnaire. For the moment it is only possible to maintain established statistical series with difficulty, and future expansion is dependent upon adequate numbers of trained staff becoming available.

In reply to a direct request made by the Committee of Experts in 1965, the Government has supplied the following information.

Article 15 of the Convention. The Government will examine the possibility of providing information along the lines indicated by the Committee.

Article 16. The Government agrees that statistics on normal hours of work should be compiled on a monthly basis; the appropriate tables in the Labour Division's annual report will, in future, reflect this change.

Articles 19 and 21. In view of the considerations outlined above, it is not envisaged that it will be possible to meet the requirements of these Articles until additional statistical staff become available.

Zanzibar (First Report)

Article 1 of the Convention. Copies of the Labour Report containing certain statistics are supplied annually to the I.L.O.

Article 4. The figures are supplied annually by the principal employers.

Article 12. Due to the smallness of the territory, it has been found unnecessary to compile index numbers of the general movement of earnings.

Articles 13 and 14. Mining is limited to surface quarrying for stone building and for a small lime-burning concern. Figures for the existing manufacturing industries including building and construction are contained in Appendix V and Appendix VI of the Labour Report. Sources of information are found in the Labour Office records and from details submitted by employers and employees. Hours of work are not regulated by law and wages are normally fixed by agreement between employers and employees.

Article 17. The number of women and non-adults is so insignificant that clarification is not considered necessary.

Article 19. The scale of payment for wages and overtime rates for government employees is regulated by governmental orders. There is no family allowance scheme.

Article 21. It has not been possible to compile an index number of wage rates.

Article 24. The smallness of the territory and the simplicity of the economy have made the compilation of detailed statistics unnecessary. Where information has been sought, it has always been given rapidly.

* * *

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

Austria, Burma, Canada, Federal Republic of Germany, Netherlands, New Zealand, Norway, Switzerland, United Kingdom.

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

Cuba, Czechoslovakia, France, Guatemala, Ireland.

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on	Countries	Ratification registered on
Belgium.	26. 7. 1948	Rwanda	18. 9. 1962
Burundi.	11. 3. 1963	Sierra Leone.	13. 6. 1961
Cameroon (Western Cameroon)	3. 9. 1962	Singapore	25. 10. 1965
Congo (Leopoldville)	20. 9. 1960	Somalia (ex-British Somaliland)	18. 11. 1960
Ghana	20. 5. 1957	Tanzania:	
Jamaica	26. 12. 1962	Tanganyika	30. 1. 1962
Kenya	13. 1. 1964	Zanzibar	22. 6. 1964
Malaysia:		Uganda	4. 6. 1963
States of Malaya	11. 11. 1957	United Kingdom	24. 8. 1943
Sabah, Sarawak	3. 3. 1964	Zambia	2. 12. 1964
New Zealand ¹	8. 7. 1947		
Nigeria	17. 10. 1960		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

MALAWI

Employment Ordinance, No. 14 of 1964.

Employment (Form of Written Contract) Rules, 1964.

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that exemption from liability for repatriation expenses has been granted in accordance with Article 14, clause (d), of the Convention in respect of contracts between Malawi nationals and the Witwatersrand Native Labour Association.

* * *

The report from *Jamaica* repeats the information previously supplied.

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on	Countries	Ratification registered on
Cameroon (Western Cameroon)	3. 9. 1962	Sierra Leone	13. 6. 1961
Ghana	20. 5. 1957	Singapore	25. 10. 1965
Guatemala	4. 8. 1961	Somalia	18. 11. 1960
Jamaica	26. 12. 1962	Tanzania:	
Kenya	13. 1. 1964	Tanganyika	30. 1. 1962
Liberia	25. 5. 1962	Zanzibar	22. 6. 1964
Malawi	22. 3. 1965	Trinidad and Tobago	24. 5. 1963
Malaysia:		Tunisia	17. 12. 1962
States of Malaya	11. 11. 1957	Uganda	4. 6. 1963
Sabah, Sarawak	3. 3. 1964	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		

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

In reply to a direct request made by the Committee of Experts, the Government has stated that a Labour Code now in preparation and applicable to the whole Federation would eliminate the present disparity between section 216, paragraph 1 (b), of the Labour Code in force in Western Cameroon and the Convention.

GHANA

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that steps have been taken to amend section 65, paragraph 2 (c), of the Labour Ordinance, 1948, under which the court can direct fulfilment of a contract and can direct the party committing a breach thereof to find security for due performance in a case where damages might be awarded for such a breach. Under the section, if the party concerned fails to find security, the court can commit him to prison for a period of up to three months. The Government has stated that amendment of the above-mentioned section will ensure full conformity with the Convention.

With regard to the Code of Discipline of the Ghana Workers' Brigade, the Government has stated that a supplementary report will be submitted on action which it proposes to take in the matter.

KENYA

In reply to a direct request made by the Committee of Experts, the Government has stated that it intends to carry out a major revision of the Employment Act. The changes envisaged include the amendment of sections 41, paragraph 1, and 45, paragraph 1 (b). Pending adoption of the necessary legislation, administrative measures have been taken to prevent action under these sections.

The National Service Act applies to military personnel only. In these circumstances the Government does not contemplate reviewing section 27 (a), (c) and (e) or section 33, paragraph 4, of the Act, since these sections do not conflict with the application of the Convention.

MALAWI

Employment Ordinance, No. 14 of 1964.

This ordinance does not contain any provision permitting penal sanctions for breaches of contracts of employment.

MOROCCO (First Report)

There are no provisions imposing penal sanctions for breach of contract.

NIGERIA

In reply to a direct request made by the Committee of Experts, the Government has stated that Chapter VI, section 216, of the Labour Code empowers the court to direct the payment of such sum as it finds due by one party to the other; award costs or damages; direct fulfilment of the contract; or rescind it in such respect as may be desirable. The Government has expressed the view that this provision of the Code does not appear capable of leading to a violation of the Convention because Nigeria, now an independent country, has no workers from dependent territories or populations.

SIERRA LEONE

Employers and Employed (Amendment) Act, No. 37 of 1965.

With reference to observations made by the Committee of Experts, the above-mentioned Act has amended section 77 (b) of the Employers and Employed Act by providing for the award of damages only if a person refuses to give security.

TANZANIA

Tanganyika

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that section 144 (b) of the Employment Ordinance, 1955, must be read in conjunction with other provisions thereof prescribing, *inter alia*, simplified machinery for settlement of disputes concerning contracts of service. These provisions are mainly designed to benefit the employee.

Section 144 (b) gives the court power to order a party to find security for due performance in lieu of damages or compensation. The court has power to enforce its order by sentencing an offender to prison for a period of up to three months. The sentence is awarded only where the party is able, but neglects or refuses, to provide security. Such neglect is regarded as contempt of court. In the Government's view the purpose of the section is not to imprison a man unable to find security but to punish one acting contumaciously. The Government does not consider that this provision conflicts with the requirements of the Convention.

UGANDA

In reply to a direct request made by the Committee of Experts, the Government has stated that a preliminary draft of a Bill to replace the Employment Ordinance omits the provisions of sections 64 and 61, paragraph 1 (b), of the ordinance. The Bill was expected to be tabled in Parliament in 1965.

ZAMBIA

In reply to a direct request made by the Committee of Experts relating to sections 72, paragraph 1, 78 and 80 of the Employment of Natives Ordinance, the Government has stated that there are no similar provisions in the new Employment Act which has been adopted by the National Assembly. Section 301 A of the Penal Code was repealed in June 1964 by Ordinance No. 20 of 1964.

* * *

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

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

Guatemala, Jamaica, Malaysia (States of Malaya, Sabah, Sarawak), New Zealand, Niger, Singapore, Somalia (ex British Somaliland, ex-Trust Territory), Tunisia.

Western Samoa (non-member State).

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

CUBA

In reply to observations made by the Committee of Experts in 1965, the Government has provided the following information.

The drivers' identity cards required under Legislative Decree No. 800 of 1936, the conditions for the issue of which were revised by Resolution No. 10 of 20 January 1959, do not give details relating to conditions of work.

Since public motor transport is now assured by state undertakings, conditions of work are no longer regulated by collective agreements but by the general provisions of labour law.

The Government's report for 1957 referred in particular to Decree No. 2513 of 19 October 1933 respecting the eight-hour day; this decree, as amended by Decree No. 2940 of 2 December 1933, specifies in section 5, paragraph 2, that undertakings providing a public service the nature of which requires uninterrupted working hours of more than 48 per week, or a special timetable, may organise the work as best suits the interest of the service, on condition that the total monthly hours of each worker do not exceed 208. The paragraph mentioned has been amended only in the sense that the working week has been reduced to 48 hours by the Constitution. No recourse has been had to Article 6 of the Convention.

PERU (First Report)

Civil Code (section 1572).

Act No. 3010 of 26 December 1918.

Presidential Decree No. 1919 of 15 January 1919.

Presidential Decree of 26 June 1934.

Article 1 of the Convention. The scope of the national legislation is identical with that of this Article.

Articles 2 and 3. The only exception refers to persons who drive or travel with private vehicles used solely for personal services and to transport for the purposes of national defence.

Article 4. Hours of work means the time spent in actually performing some service; it does not include periods of mere attendance.

Article 5. Maximum working hours are 48 per week.

Article 6. Calculation of weekly hours of work is based exclusively on the week worked.

Articles 7 and 8. Employers and workers in this branch of activity are authorised to agree upon a working day of more than eight hours, provided that the working week of 48 hours is never exceeded.

Articles 9 and 10. The provisions of these Articles are not embodied in the national legislation.

Articles 11 and 12. Peru makes use of the exceptions envisaged in these Articles.

Article 13. Overtime work is governed by collective agreements and may not exceed the limits set forth in the Convention.

Article 14. Shift work is provided for in the collective agreements.

Articles 15 and 16. Compulsory rest is provided for by law and consists of 24 consecutive hours for each period of seven days.

Article 17. The decisions in question are contained in collective agreements.

Article 18. The Special Regimes Service of the Department of Labour is responsible for supervising the application of the Convention.

Article 19. No such suspension has been effected.

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

ARGENTINA

See under Convention No. 13.

PERU (First Report)

Harbour Masters' and Merchant Navy Regulations of 31 October 1951.

Ratification of the Convention, under article 123 of the Constitution, gives it the force of law.

Article 1 of the Convention. The merchant navy consists of the Peruvian vessels which do not belong to the national naval forces and the seafaring personnel registered with harbour masters' offices (Part VI of the above-mentioned regulations).

Article 2. Paragraph 446 of the above-mentioned regulations deals with the seaworthiness of vessels and the maintenance of standards necessary to safeguard human lives at sea. The authorities responsible for discharging the functions required by this Article of the Convention are the harbour masters' offices in ports, which come under the Harbour Masters' Department in the Ministry of the Marine.

Article 3. The regulations refer to the relationship between port officials and other authorities and officials.

Article 4. Inspection functions are the responsibility of the Marine Industrial Service and the harbour masters' offices, which have a qualified staff.

Article 5. Paragraph 664 (b) of the regulations lays down that every contract of engagement must require the owner or master of the vessel to provide the seaman with accommodation and an adequate supply of food for the duration of the contract.

Articles 6 to 13. Part XIII of the regulations refers to the grading of personnel on board ship and mentions cooks, assistant cooks, cellar-men and storemen. The regulations make no provision for the organisation of vocational training courses or refresher courses as required by Article 11 of the Convention.

The application of the provisions of the Convention is entrusted to the Harbour Masters' Department of the Ministry of the Marine, to individual harbour masters' offices and to the Maritime Labour Supervisory Committee.

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

CANADA

Shipping Act of 13 November 1964 (*Canada Gazette*, 25 Nov. 1964, Part II, Vol. 98, No. 22, p. 1291);
Certification of Ships' Cooks Regulations.

The Government has stated that this Act provides for greater flexibility than in the past so that recognition can be given to training obtained in certain establishments, and that sea service requirements have been reduced from 12 months to one month.

FRANCE

In reply to direct requests made by the Committee of Experts in 1962 and 1964, the Government has stated that section 8 of the order of 20 March 1961 is practically no longer in effect: in 1964 only five certificates were issued under its provisions, which can thus be seen to be falling rapidly into disuse.

GREECE (First Report)

Royal Decree of 19 February 1954 concerning the procedure for examinations for obtaining certificates of competency in maritime occupations (*Ephemeris tēs Kyvernesseos (E.K.)*, 1954, No. 47 A).
Royal Decree of 6 October 1954 respecting examinations for obtaining certificates of competency in maritime occupations (*E.K.*, 1954, No. 290 A).

Exemptions in conformity with Article 3, paragraph 2, of the Convention have been granted only in special cases.

The minimum age for admission of seafarers to the examination for ship's cook is 19 years, and the service required at sea is two years.

The examination is written, oral and practical; it includes Greek language and mathematics tests, duties on board ship and tests relating to food in general. The examinations are organised by the Ministry for the Merchant Marine, which also issues the certificates.

Advantage has not been taken of the permissive provision of Article 5. Certificates issued in other territories are not recognised by the Greek authorities.

The application of the above-mentioned legislation is entrusted to the Maritime Training Department in the Ministry for the Merchant Marine and to the Placement Office; supervisory functions are carried out by port and consular authorities.

The Royal Decree of 6 October 1954 contains provisions for the issue of the certificates of chief cook, ship's cook (first class) and ship's cook (second class).

PERU

In reply to a request made by the Committee of Experts in 1965, the Government has indicated that, since there are no special schools for cooks, the request has been forwarded to the committee set up by Act No. 15060 of 19 June 1965 to draft a new Labour Code. The committee will take the request into account when preparing the part of the Code relating to work at sea.

PORTUGAL

Legislative Decree No. 45968 of 15 October 1964 to issue regulations for the trades and occupations covered by the Maritime Authority (*Diário do Governo (D.G.)*, 15 Oct. 1964, No. 242, p. 1438). Decree No. 45969 of 15 October 1964 to approve the regulations for the registration of seafarers and the registration and manning of merchant and fishing vessels (*D.G.*, 15 Oct. 1964, No. 242, p. 1443).

The new legislation gives a definition of the term "sea-going vessel" and lays down the qualifications, age, experience and vocational examinations required for the occupation of ship's cook (paragraphs 6, 16, 117 to 120, 137, 141, 162, 163 and 188 of the regulations approved by Decree No. 45969).

UNITED KINGDOM

Merchant Shipping (Certificates of Competency as Ship's Cook) (Republic of Ireland) Order, 1964 (*Statutory Instruments*, 1964, No. 701).

The Government has stated that the holder of a certificate of competency as ship's cook granted in the Republic of Ireland shall be deemed to be duly certificated within the meaning of section 27 of the Merchant Shipping Act, 1906. The Government has added that, owing to temporary shortages, it has occasionally been necessary to exempt British foreign-going ships, to which this Convention applies in the United Kingdom, from the requirements of the Merchant Shipping Act, 1906, section 27, paragraph 1.

* * *

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

Ireland, Italy, Netherlands, Norway.

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

Belgium, Bulgaria, Poland, Yugoslavia.

71. Seafarers' Pensions Convention, 1946

This Convention came into force on 10 October 1962

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Italy	10. 4. 1962
Argentina	17. 2. 1955	Netherlands	27. 8. 1957
Bulgaria	29. 12. 1949	Norway	4. 7. 1949
France	9. 12. 1948	Peru	4. 4. 1962

ARGENTINA

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

As regards Article 4, paragraph 1, of the Convention, since 1939 pension contributions have been considered under the law as being directed towards a social end for the common good, and not as being the personal property of members of the pension scheme. For this reason reimbursement is possible only in specific cases set out by law.

As regards Article 4, paragraph 2, of the Convention, section 14 of Act No. 14236 makes it clear that decisions of the insurance institute may be appealed against before the National Appeals Board of the Labour Courts.

FRANCE

In reply to a direct request made by the Committee of Experts, the Government has stated that shipowners and seamen take part in the administration of the pension scheme in that they are represented on the Council of the National Institute for Disabled Seamen and the Health Council which were set up, respectively, by Legislative Decree No. 53-953 of 30 September 1953 (as amended by Decrees Nos. 60-882 of 6 August 1960 and 64-432 of 14 May 1964) and the decree of 13 September 1936 (as amended by Decree No. 3161 of 23 October 1942 and the decree of 14 November 1944).

The Council of the National Institute for Disabled Seamen consists at present of 40 members, including 12 representatives of seamen's organisations; the Health Council consists of seven members, including one maritime workers' representative.

NORWAY

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

Article 3, paragraph 1 (a) (ii), of the Convention. The pension rates in force are fixed in such a way that the full old-age pension paid from the age of 60 years is calculated on the basis of 360 months of service and shall normally constitute 50 per cent. of the basis for calculation of pension stipulated by the Ministry of Social Affairs. A pension may also be paid from the age of 55 years at the earliest in which case it is reduced by 0.5 per cent. for every month by which the pensioner is less than 60 years of age at the time the pension is granted.

Article 3, paragraph 1 (b). A seafarer classed in group 2 makes a contribution of 63 crowns per month; seafarers in groups 1, 3 and 4 make contributions amounting respectively to 150 per cent., 75 per cent. and 50 per cent. of the above-mentioned sum, while the shipowner pays a contribution amounting to 150 per cent. of the contribution made by the seafarer. As regards the seafarers in group 2, the total contribution of both the shipowner and the seafarer constitutes approximately 12 per cent. of the basis for calculation of pensions.

Article 4, paragraph 3. The provisions of section 23 (2) of the Act respecting pension insurance for seamen, concerning "grossly discreditable conduct", have not been applied since the entry into force of the Act.

PERU

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

Article 2 of the Convention. A definition of the term "seamen" is contained in the Harbour Masters' and Merchant Navy Regulations. The employees of the Peruvian Steamship Company are covered by the legal provisions relating to civil servants, who are entitled to old-age, survivors' and unemployment benefit.

The Government has forwarded the text of Legislative Decree No. 11013, requested by the Committee, which reduces the number of years of service for entitlement to a pension from 40 to 35, or to 30 in case of interruption of employment due to proven physical incapacity.

Article 3. The maximum pension of 80 per cent. provided for by Act No. 13640 is not contrary to the provisions of the Convention, since retirement is compulsory after 40 years of service and 2 per cent. of the average salary or wages is paid for each year of service.

Article 4. The observation made in this connection by the Committee of Experts was forwarded on 14 December 1965 to the committee set up to draft a new Labour Code.

* * *

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

Italy, Netherlands.

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

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		

ARGENTINA

See under Convention No. 13.

ITALY

Decree No. 1536 of 11 August 1963 to amend Legislative Decree No. 1773 of 14 December 1933, converted into Act No. 244 of 1934.

This enactment makes a few amendments to the schedule of physical infirmities and handicaps which entail debarment from or termination of employment as a seafarer.

JAPAN

Regulations for the enforcement of the Mariners Law, 1947, as amended by Ordinance No. 58 of 1964 of the Ministry of Transport.

According to paragraph 56 of the above-mentioned regulations the period of validity of medical certificates is one year, while the period of validity of colour vision certificates is six years. In so far as medical certificates relate to tuberculosis, doctors may shorten the period to six months.

NORWAY

According to the information supplied by the Government, eyesight requirements will henceforth be those specified in instructions from the Director-General of the Public Health Services, prepared in collaboration with the Shipping Department.

PERU

Harbour Masters' and Merchant Navy Regulations of 31 October 1951.

In reply to a request made by the Committee of Experts, the Government has stated that the provisions of paragraphs 535 (5), 537 and 539 of the regulations provide for a compulsory medical examination for all seamen, and that the validity of the medical certificate may not exceed two years.

POLAND

Ordinance of 8 June 1965 of the Ministry of Health and Social Insurance to amend the ordinance respecting health requirements for persons employed in vessels of the merchant navy and engaged in international navigation.

According to the above-mentioned text, any person who has been employed for more than ten years in vessels of the merchant navy may be certified fit for work at sea, even if he is found to be suffering from an infirmity, physical handicap or disease (as defined in the ordinance of 20 November 1957), provided that the degree of compensation and the experience acquired enable such person to perform his work satisfactorily. In such cases, the medical certificate shall be granted by a medical jury at the proposal of the examining physician.

PORTUGAL

Legislative Decree No. 45968 of 15 October 1964 to issue regulations for the trades and occupations covered by the Maritime Authority (*Diário do Governo (D.G.)*, 15 Oct. 1964, No. 242, p. 1438). Decree No. 45969 of 15 October 1964 to approve the regulations for the registration of seafarers and the registration and manning of merchant and fishing vessels (*D.G.*, 15 Oct. 1964, No. 242, p. 1443).

The provisions of the Convention concerning the medical examination of seafarers are covered by sections 13 and 48 of Legislative Decree No. 45968 and by paragraphs 187 and 188 of the regulations approved by Decree No. 45969 of 15 October 1964.

The port authorities are responsible for enforcing the legislation in question.

SWEDEN

In reply to a request made by the Committee of Experts, the Government has specified that trade between Swedish ports consists purely of inland waterway navigation or local traffic. Consequently, seamen employed in vessels engaged in such trade are subject to the same working conditions as persons employed on land, in particular as regards hours of work, holidays, accommodation, etc. The vessels concerned are neither more nor less than a workplace and seamen employed in them do not come under the majority of the provisions of maritime social legislation, particularly those relating to seafarers' pensions.

* * *

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

Argentina, Belgium, Finland, France, Japan, Netherlands.

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

Bulgaria, Canada.

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		

NETHERLANDS

Decree of 26 May 1965 (*Staatsblad*, 1965, No. 367).

In reply to a direct request made by the Committee of Experts, the Government has stated that section 86, paragraph 2 (*c*), of the decree of 1952 respecting shipping, which required able seamen to hold certificates of competency, has not been included in the decree of 1965, owing to the fact that few people are interested in acquiring such a certificate and, moreover, because the rank of "able seaman" is not mentioned in the legislation relating to ships' crews. However, section 115 of the new decree is identical to section 88 of the old decree, being worded as follows: "The opportunity shall be afforded to acquire a certificate of competency as an able seaman"; and to stimulate interest in acquiring such a certificate the shipowners' organisation and the seafarers' organisations concerned have agreed that higher wages should be paid to persons already holding certificates of competency as "able seamen" and to those acquiring such certificates.

PORTUGAL

Legislative Decree No. 45968 of 15 October 1964 to issue regulations for the trades and occupations covered by the Maritime Authority (*Diário do Governo (D.G.)*, 15 Oct. 1964, No. 242, p. 1438).
Decree No. 45969 of 15 October 1964 to approve the regulations for the registration of seafarers and the registration and manning of merchant and fishing vessels (*D.G.*, 15 Oct. 1964, No. 242, p. 1443).

Paragraphs 56, 137 and 148 of the regulations approved by Decree No. 45969 lay down the requirements for taking part in examinations for qualifying as able seamen (seaman first class) and the programme for such examinations.

In order to comply with a request made by the Committee of Experts, paragraph 56 (1), as amended, provides that graduates of the school for able seamen and merchant navy mechanics must perform 24 months' service (as opposed to 18 months provided for previously).

UNITED KINGDOM

Merchant Shipping (Certificates of Competency as AB) (Ghana) Order, 1963 (*Statutory Instruments (S.I.)*, 1963, No. 1316).

Merchant Shipping (Certificates of Competency as AB) (Nigeria) Order, 1964 (*S.I.*, 1964, No. 700).

The Merchant Shipping (Certificates of Competency as AB) (Ghana) Order, 1963 and the Merchant Shipping (Certificates of Competency as AB) (Nigeria) Order, 1964, provide that certificates of competency as AB granted in Ghana and Nigeria respectively shall have the same effect for the purposes of section 5 of the Merchant Shipping

Act, 1948, as if they had been granted in pursuance of the regulations made under that section.

YUGOSLAVIA

Act of 17 February 1965 respecting the composition of crews of vessels of the merchant navy (*Sluzbeni List (S.L.)*, 24 Feb. 1965, No. 8, Text No. 104).

Act of 17 February 1965 respecting the registration of sea-going vessels (*S.L.*, 1965, No. 8).

Act of 18 February 1965 respecting the sea-worthiness of sea-going vessels (*S.L.*, 1965, No. 18).

The Government has stated that the new legislation does not affect the application of the Convention.

In reply to a request made in 1965 by the Committee of Experts, the Government has stated that the programme, organisation and supervision of examinations for certification as able seamen are governed by the legislation in force and by administrative instructions.

The examination consists of an oral test and a practical test. The former covers general and special subjects: navigation, seamanship and signalling according to the rules of the Maritime Code; the special subjects are prescribed in accordance with existing programmes for vocational examinations. The practical knowledge test refers to the subject of seamanship.

Examinations take place before special juries attached to the competent maritime authorities for each region, which are appointed year by year by the Maritime and Inland Waterway Transport Department.

All crew members responsible for lifeboats must be specially qualified for that purpose. In this connection the legislation prescribes that, in case of danger, crew members are bound to help save the ship, the passengers and all persons on board, as well as the cargo, until the master gives the order to abandon ship.

* * *

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

Belgium, Canada, France, Ireland.

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

New Zealand, Poland, United States.

77. Medical Examination of Young Persons (Industry) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Iraq	13. 1. 1951
Algeria	19. 10. 1962	Israel	23. 12. 1953
Argentina	17. 2. 1955	Italy	22. 10. 1952
Bulgaria	29. 12. 1949	Luxembourg	3. 3. 1958
Byelorussia	6. 11. 1956	Peru	4. 4. 1962
Cuba	13. 1. 1954	Philippines	17. 11. 1960
France	28. 6. 1951	Poland	11. 12. 1947
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
Hungary	8. 6. 1956	Uruguay	18. 3. 1954

ARGENTINA

In reply to an observation made by the Committee of Experts, the Government has stated that the workbook for young persons sets out the conditions for medical examination and for supervision by the labour inspectorate required under Article 7 of the Convention.

Reference is also made to the information provided in respect of Convention No. 13.

CUBA

Decision of the Council of Ministers of 8 September 1964 to approve general principles for the organisation of labour protection and occupational health (Part V, Section II).

While the employment of young persons under 15 years of age continues to be prohibited, as is the employment of young persons under 18 years of age on dangerous or unhealthy work, the above-mentioned decision stipulates that the engagement of young persons under 18 years of age for all other types of employment shall be subject to the passing of a medical examination, to be repeated every six months.

GUATEMALA

In reply to an observation made by the Committee of Experts, the Government has stated that, besides the instructions already in existence, new regulations will be adopted to bring the national legislation into complete harmony with the text of Article 2, paragraphs 2 and 3, Articles 4 and 5 of the Convention.

HUNGARY

Decree No. 4 of 5 April 1962 of the Ministry of Labour respecting the protection of the life and bodily health of women and minors (*Magyar Közlöny*, 1962).

In reply to an observation made by the Committee of Experts, the Government has specified that the text of section 3, paragraphs 1 and 3, of the above-mentioned decree meets the provisions of Article 3, paragraph 3, and Article 7 of the Convention, relating respectively to medical examinations for young persons more than once a year and methods of supervision by the labour inspectorate.

ISRAEL

New regulations published in 1964 (in *Kovetz Hatakanoth*, No. 1607) require medical examination and periodical re-examination of workers exposed to asbestos, silica or mica dust.

ITALY

On 9 April 1965 the Council of Ministers approved and submitted to Parliament a Bill to protect the work of minors which brings the current legislation into harmony with the provisions of the Convention.

Respecting prior medical examination and periodical re-examination, as well as physical and vocational rehabilitation and reorientation of adolescents and minors, sections 8 to 13 of the Bill cover the subject-matter of Articles 2, 3, 4 and 6 of the Convention.

The Bill is now being considered by the Senate and will be approved within a few months.

LUXEMBOURG

Section 22 of the Bill respecting the protection of children and young workers provides that young persons must undergo a medical examination three months before entering employment or apprenticeship. This examination must be repeated after six months and at subsequent intervals to be determined by regulations. The examinations, which are intended to verify fitness for employment, must be carried out by physicians approved by the Ministries of Labour and Public Health and must be attested to by a certificate the validity of which may be verified at any time by the competent authorities. The cost of the medical examinations is required to be borne by the employer. The procedure for the application of section 22 will be prescribed by regulations, together with measures for vocational guidance and physical and vocational rehabilitation of young persons.

Section 26 provides, as a transitory measure, that medical certificates shall not be valid for more than six months as from the date when the law comes into force.

PERU

See under Convention No. 78.

* * *

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

Argentina, Guatemala, Iraq, Philippines, Ukraine,

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

Bulgaria, Byelorussia, Poland, U.S.S.R.

78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Hungary	8. 6. 1956
Algeria	19. 10. 1962	Iraq	5. 7. 1960
Argentina	17. 2. 1955	Israel	23. 12. 1953
Bulgaria	29. 12. 1949	Italy	22. 10. 1952
Byelorussia	6. 11. 1956	Luxembourg	3. 3. 1958
Cuba	7. 9. 1954	Peru	4. 4. 1962
France	28. 6. 1951	Poland	11. 12. 1947
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
Honduras	20. 6. 1960	Uruguay	18. 3. 1954

ARGENTINA

See under Conventions Nos. 13 and 77.

BULGARIA

In reply to a request made by the Committee of Experts, the Government has indicated that young persons employed on non-industrial work are bound to carry their medical examination certificate with them.

HUNGARY

In reply to an observation made by the Committee of Experts, the Government has indicated that the application of Article 1 and Article 7, paragraph 2, of the Convention refers, in the case of persons working on their own account, to the private handicrafts sector but that, in this case, activities in this sector are reserved exclusively for persons who are of age, i.e. over 18 years of age.

LUXEMBOURG

In reply to an observation made by the Committee of Experts, the Government has specified that, apart from the general prohibition of work for young persons under the age of 15 contained in the Bill now being drafted, it is intended to provide, in the Grand-Ducal regulations implementing the Bill, for a compulsory medical examination for minors who work on their own account or for their parents. Furthermore, the Government has indicated that all persons over the age of 15 years must at all times carry an identity card.

PERU (First Report)

Minors' Code, Act No. 13968 of 2 May 1962, and Presidential Decree No. 110 J to promulgate the Code (Part IV, Sections 35 to 50) (*El Peruano*, 7-8 May 1962).

Act No. 2851 of 23 November 1918 governing the employment of women and children (*L.S.* 1919—Peru 1).

Act No. 4239 of 26 March 1921 respecting rest periods for women and children.

Presidential Decree of 25 June 1921 to implement Acts Nos. 2851 and 4239.

Article 1 of the Convention. While the legislation refers to industry and trade without distinction, it deals separately with agricultural work and work at sea, which

are governed by specific laws (e.g. the Harbour Masters' and Merchant Navy Regulations). Section 42 of the Minors' Code gives a list of processes and work considered dangerous for minors; vice versa, activities not listed in that section are not considered dangerous for young persons.

Article 2. Sections 37 to 39 of the Minors' Code contain provisions concerning the age of admission to work of young persons.

Under section 45 of the same text, a children's judge may authorise a child of school age to work provided that the child has undergone a prior medical examination and that his work is compatible with school attendance.

Article 3. The competent authorities may at all times inspect the workplace and conditions of work of a minor and order him to be subjected to a medical examination (section 46 of the Code). The following section provides that a children's judge may oblige the employer to suspend the employment of a young person if his work is harmful to his health or morals; if necessary, penalties may be imposed on the employer. In the case of young persons under 18 years of age, authorisation for employment must be granted by a children's judge and a special document is required to be issued by the labour authorities for work at night or on holidays (section 48).

Article 4. Reference is made to the information provided in respect of the previous Articles.

Article 5. The Government has indicated that medical examination is free of charge.

Article 6. The Ministries of National Education and Labour and Indigenous Affairs are responsible for organising vocational training centres in the chief town of each department (section 36 of the Minors' Code).

Article 7. The inspection services of the Ministry of Labour and Indigenous Affairs are responsible for enforcing the law and keeping a register of minors who are employed.

The application of the Convention is the responsibility of the Ministry of Labour, acting through the inspection services, children's judges, and, as the supreme authority, the National Council for Minors.

* * *

For information relating to the following countries, see under Convention No. 77:

Cuba, Guatemala, Israel, Italy.

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

Argentina, Byelorussia, Iraq, Ukraine.

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

Poland, U.S.S.R.

79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Italy	22. 10. 1952
Bulgaria	29. 12. 1949	Luxembourg	3. 3. 1958
Byelorussia	6. 11. 1956	Peru	4. 4. 1962
Cuba	7. 9. 1954	Poland	11. 12. 1947
Dominican Republic	22. 9. 1953	Ukraine	14. 9. 1956
Guatemala	13. 2. 1952	U.S.S.R.	10. 8. 1956
Israel	23. 12. 1953	Uruguay	18. 3. 1954

ARGENTINA

See under Convention No. 13.

BYELORUSSIA

In reply to a direct request made by the Committee of Experts, the Government has stated that, in view of the fact that the break between shifts may not be of less duration than double the hours of work performed the preceding day, and in view also of the prohibition of night work for young persons and the establishment of a shorter working day for them, the period of uninterrupted rest for young persons exceeds the period of 12 hours provided for in the Convention.

ISRAEL

In reply to an observation and a direct request made by the Committee of Experts, the Government has stated that, according to the provisions of the Safety at Work Ordinance, 1946, the term "non-industrial" covers all occupations not defined as "industrial", i.e. agricultural and maritime occupations. Moreover, measures will be taken to clarify the provisions of section 25 (e) of the Youth Labour (Amendment) Law, 1963.

PERU

In reply to a direct request made by the Committee in 1965, the Government has supplied the following information.

Article 1, paragraph 4 (b), of the Convention. As regards section 1 of Act No. 2851 of 1918, sections 42 and 43 of the Minors' Code are applicable.

Article 2. Section 2 of the above-mentioned Act applies to work performed during the day.

Article 3, paragraph 1. The points raised by the Committee will be submitted to the committee set up to draft a new Minors' Code.

Article 5, paragraph 2. Section 13 of the above-mentioned Act is subject to the provisions of section 43 of the Minors' Code.

Article 6, clause (b). The provisions of Resolution No. 13 DT of 29 October 1953 give effect to this Article.

Article 6, paragraph 1 (c). The Women and Minors Section of the Labour Inspection Service keep a special register for the purposes of this provision.

U.S.S.R.

In reply to a direct request made by the Committee of Experts in 1964 concerning the participation of young persons at night in the making of films (Article 5, paragraph 4 (a) and (c), of the Convention), the Government has supplied the following information.

The decree of 8 August 1955 of the Council of Ministers of the U.S.S.R. respecting holidays and conditions of work of young persons, which prohibits night work for young persons, repealed all previously adopted decisions on hours of work and rest periods for young persons, including Decision No. 17 of 12 July 1933 of the People's Commissariat of Labour of the Russian S.F.S.R. which permitted the participation of young persons at night in the making of films. In accordance with the existing practice in the U.S.S.R., all previous decisions are repealed as a result of the publication by a higher authority of new provisions regulating a question in a different manner. The above decision was repealed when the decree on this problem applying to the whole of the U.S.S.R. was issued. The Soviet State, by means of a system of labour inspection, supervises the enforcement of the law respecting night work by young persons.

* * *

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

Argentina, Byelorussia, Cuba, Israel, Italy, Luxembourg, Peru, Ukraine, U.S.S.R.

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

Bulgaria, Guatemala, Poland.

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	Luxembourg	3. 3. 1958
Argentina	17. 2. 1955	Malawi	22. 3. 1965
Austria	30. 4. 1949	Malaysia:	
Belgium	5. 4. 1957	States of Malaya	1. 7. 1963
Brazil	25. 4. 1957	Sabah, Sarawak	3. 3. 1964
Bulgaria	29. 12. 1949	Mali	2. 3. 1964
Cameroon (Western Cameroon) ¹	3. 9. 1962	Malta ¹	4. 1. 1965
Central African Republic	9. 6. 1964	Mauritania	8. 11. 1963
Ceylon	3. 4. 1956	Morocco	14. 3. 1958
Chad	30. 11. 1965	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	Singapore	25. 10. 1965
Greece	16. 6. 1955	Spain	30. 5. 1960
Guatemala	13. 2. 1952	Sweden	25. 11. 1949
Guinea	26. 3. 1959	Switzerland ¹	13. 7. 1949
Haiti	31. 3. 1952	Syrian Arab Republic	26. 7. 1960
India ¹	7. 4. 1949	Tanzania (Tanganyika) ¹	30. 1. 1962
Iraq	13. 1. 1951	Tunisia	15. 5. 1957
Ireland ¹	16. 6. 1951	Turkey	5. 3. 1951
Israel	7. 6. 1955	Uganda ¹	4. 6. 1963
Italy	22. 10. 1952	United Arab Republic	11. 10. 1956
Jamaica ¹	26. 12. 1962	United Kingdom ¹	28. 6. 1949
Japan	20. 10. 1953	Viet-Nam	6. 1. 1964
Kenya	13. 1. 1964	Yugoslavia	18. 8. 1955
Kuwait	23. 11. 1964		
Lebanon	26. 7. 1962		

¹ Excluding Part II.

ARGENTINA

See under Convention No. 13.

AUSTRIA

The Congress of Chambers of Labour has again made representations to the effect that the services responsible for labour inspection within the High Authority of Mines should be distinct from the other services of that body. The Congress requested steps to be taken as soon as possible to reorganise the present system.

The High Authority of Mines indicated in reply that the enforcement of labour laws was within its competence and that in any case matters connected with labour protection were entrusted to special services.

The Government has also indicated that, of the 2,565 persons entrusted with inspection functions in mines, there are 213 at the managerial level, and 2,352 at the supervisory level.

BELGIUM

Royal Order of 27 January 1959 to make provision for the subdivision of the Ministry of Labour and Social Welfare and to allocate its duties and posts to the Ministry of Labour and the Ministry of Social Welfare (*Moniteur belge (M.b.)*, 29 Jan. 1959), as amended by the Royal Order of 17 January 1961 (*M.b.*, 30 Jan. 1961).

Royal Order of 14 February 1961 to establish conditions of service for the employees of public utilities (not yet in force¹).

Royal Order of 16 April 1965 to set up medical labour services and amend the Order of the Regent of 25 September 1947 issuing general health and safety regulations for workers in mines and quarries (*M.b.*, 4 June 1965).

In reply to an observation made by the Committee of Experts, the Government has indicated that the Bill respecting labour inspection, which had been announced for several years, will not now be put through due to the dissolution of the legislature.

Furthermore, in reply to a direct request made by the Committee, the Government has supplied a very detailed report concerning the organisation and operation of the social security inspection service.

Such inspection is carried out, on the one hand, by the social security inspection service of the Ministry of Social Welfare and, on the other hand, by certain para-state bodies under the authority of that Ministry (the National Pensions Fund, the National Family Allowances Office, the Occupational Disease Fund, etc.). Some of these bodies have been given exclusive powers in connection with inspection. The powers and duties of the inspectorate of social security legislation, on the contrary, are restricted to enforcing the legal provisions, the function of advising employers or keeping the competent authority informed being the prerogative of the labour inspectorate proper. The inspection staff of the Ministry of Social Welfare are subject to the general conditions of service for public servants; the employees of the para-state bodies (whose conditions of service are to be regulated by a Royal Decree of 14 February 1961 which has not yet come into force¹) enjoy equal stability and independence.

Inspectors and other officials of the social security inspection service are recruited by competition and receive special training after they enter the service; women are admitted subject to the same conditions as men. They have the same powers as the labour inspectors, except as regards entry by night into workplaces, the taking of samples of substances and materials and the powers mentioned under Article 13 of the Convention, since these powers are without relevance for the enforcement of social security legislation. Obligations, however, are the same for all services.

The Government's report gives a breakdown of the total inspection staff by location and by the nature of duties performed. However, the Government has pointed out, just as it did in the case of medical inspection, that the shortage of staff makes it impossible to exercise systematic supervision.

Social security inspectors submit a report each month to the central inspection authority and the Government has stated that the over-all report published by the Ministry of Social Welfare will in future be sent to the International Labour Office.

Article 2 of the Convention. The Government's report states that the medical labour inspectorate has not met with any difficulty in supervising national defence establishments. Moreover, there are no laws or regulations prohibiting the supervision of workplaces which include sterilising departments, and such supervision has not raised any difficulty.

Article 10. With regard to technical inspection, the Government has stated that the material circumstances of inspector-engineers have been improved in order to attract more applications. Moreover, temporary engineers, who are recruited without having to take part in a competition, exercise the same powers and perform the same

¹ At the date of submission of the Government's report.

duties as permanent inspectors; they are governed by the conditions of service of temporary state employees.

Article 12, paragraph 1 (c) (iv). Inspectors of the technical inspectorate are authorised, under paragraph 248 of the general regulations respecting the protection of labour, to take samples of materials and substances used in undertakings for purposes of analysis.

BRAZIL

Decree No. 55841 of 15 March 1965 to approve the labour inspectorate staff regulations (*Diário Oficial*, 17 Mar. 1965).

CAMEROON

Western Cameroon

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

Article 12 of the Convention. Section 5 of the Labour Code Ordinance, section 70 of the Factories Ordinance and section 20 of the Wages Boards Ordinance meet the requirements of this Article.

Article 15. General orders for the public service embody the provisions of this Article.

Articles 20 and 21. No annual reports have been prepared for the years 1960-61 and 1961-62 due to staff difficulties arising out of the secession of Western Cameroon from the Federation of Nigeria.

CENTRAL AFRICAN REPUBLIC (First Report)

Labour Code, Act No. 61-221 of 2 June 1961 (*Journal officiel de la République centrafricaine (J.o.R.c.)*, Aug. 1961, Extraordinary).

Decree No. 63-036 of 29 January 1963 respecting the powers and duties of the Ministry of Labour and Social Welfare (*J.o.R.c.*, 1 Feb. 1963).

Order No. 568 of 15 May 1963 respecting the organisation and operation of the labour, manpower and social security services (*J.o.R.c.*, 15 June 1963).

Act No. 65-66 of 24 June 1965 to establish an industrial accident and occupational disease prevention and compensation scheme (*J.o.R.c.*, 15 July 1965).

The Constitution of the Central African Republic gives the force of national law to ratified international Conventions.

Articles 1 and 2 of the Convention. The inspection system is a general one, with only two exceptions: the inspection of mines and quarries is entrusted to a technical service and the inspection of certain parts of military establishments to a military agency.

Article 3. Besides the functions mentioned under this Article, inspectors are entrusted with conciliatory functions in labour disputes.

Article 4. Labour inspection is placed under the authority of the Ministry of the Civil Service and Labour.

Article 5. Co-operation with other services or workers' and employers' organisations does not raise any difficulties.

Article 6. The general civil service rules apply to all civil servants. Special rules for the labour inspection corps are under consideration.

Article 7. Under these special rules inspectors would be recruited from among graduates of the Paris Institute of Advanced Studies for Students from Overseas Countries or by competition from among deputy inspectors or persons holding a law degree. Deputy inspectors are recruited from among persons holding a law degree or from among the principal labour supervisors who, in turn, are recruited by a competition for which the entrance requirements include possession of a certificate of completion of the first course at the National School of Administration.

Training is supplemented by a one-year training period in different departments of the labour inspectorate.

Article 8. Women are eligible for appointment to the inspection staff.

Article 9. Labour inspectors may call on the services of physicians and technical experts.

Article 10. The labour inspection staff includes central administrative services and technical services, there being four prefectural inspection services (a fifth will be set up in 1966).

The present staff totals 30 officials, comprising one chief labour inspector, one deputy inspector and four supervisors in service, as well as six inspector-trainees and 18 supervisor-trainees in various districts.

Article 11. The inspection services are furnished with local offices and transport facilities.

Transport allowances are payable only to inspectors and supervisors other than those responsible for the district in which an inspection visit is carried out.

Article 12. Section 157 of the Code repeats the provisions of the Convention.

Article 13. The powers of labour inspectors are set forth under Part VII of the Code.

Article 14. Section 14 of the Act of 24 June 1965 provides for notification to the inspectorate of industrial accidents and cases of occupational disease.

Article 15. Section 155 of the Code gives effect to this Article of the Convention.

Article 16. The staff is as yet insufficient to ensure regular, frequent inspection of undertakings liable to inspection. Two inspection visits a year are envisaged.

Articles 17 and 18. Appropriate penalties are provided for by the Labour Code, particularly for obstructing labour inspectors in the performance of their duties.

Articles 19 to 21. Inspectors must supply quarterly reports and a yearly report on their activities.

The Labour Department draws up an over-all annual report on the work of the inspection services.

CEYLON

In reply to a direct request made by the Committee of Experts, the Government has stated that it is proposed to amend the Labour Inspections (Maintenance of Secrecy) Act, 1953, with a view to giving effect to Article 15, clause (c), of the Convention.

CHINA

Factory Inspection Act of 31 January 1931 (*Labour Laws and Regulations of the Republic of China (L.L.R.R.C.)*, 1961 edition).

Factory Inspectors Code of 31 March 1941 compiled by the Department of Social Affairs (*L.L.R.R.C.*, 1961 edition, p. 221).

Civil Servants Penal Code.

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

Article 2 of the Convention. Section 8 of the Factory Inspection Act provides that the inspection of factories operated by the Government shall be effected in co-operation with the operating authority. Due to the lack of personnel for the Taiwan Factory and Mines Inspection Committee, public undertakings are permitted to make semi-annual reports on their own inspections since their conditions are better than those found in private undertakings. Mines inspection does not include oil drilling.

Article 3. When the Committee discovers conditions which do not meet the requirements of the Labour Act, it is allowed to petition the Ministry of Interior for a special modification order.

Article 6. The Civil Service Records Examination Regulations provide that only persons who score less than 50 out of a possible 100 points can be dismissed from the service. Paragraph 11 of the same regulations sets forth the composition of the Records Examination Board which evaluates the performance of the employees.

Section 2 of the Civil Servants Penal Code deals with the question of negligence and dereliction of duty on the part of civil servants. No superior officer may dismiss or demote a civil servant on the basis of his own judgment.

Article 7. In 1950 eight factory training courses were instituted. The courses, which included the study of various labour problems, lasted for one month. In 1965 the Ministry organised two seminars for administrative staff.

Article 10. The 27 members of the Factory and Mines Inspection Committee consist of 11 factory inspectors, ten mines inspectors and six steam boiler inspectors.

Article 11. The Committee has considerably increased its rescue equipment over the years and a jeep is available for inspections.

Article 12. Section 6 of the Service Code for category D factory inspectors provides that inspections may be carried out at any time of the day or of the night.

In order to provide for full application of the provisions of this Article of the Convention, the Government has included these provisions in the labour inspection chapter of the draft Labour Code.

Article 15, clause (a). Factory inspectors are not permitted to have a financial interest in any factory (Service Code for Factory Inspectors).

Clause (b). Section 14 of the Factory Inspection Act provides that factory inspectors must keep the professional secrets of the factories inspected and must not reveal or interfere with any of its financial arrangements.

Clause (c). Provisions covering this requirement of the Convention will be included in the draft Labour Code.

Article 16. Owing to lack of funds the Factory and Mines Inspection Committee is unable to carry out inspections as often and as thoroughly as is necessary.

COSTA RICA

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

Article 9 of the Convention. The general labour inspectorate has the collaboration of experts and technicians qualified in industrial safety and health who, for the most part, are on the staff of the Industrial Safety and Health Office, the Social Security Fund, the Ministry of Labour and Social Welfare and the Ministry of Public Health.

Article 10. During 1963 the number of labour inspectors, and in 1964 that of inspectors in the Industrial Safety and Health Office—a service which collaborates closely with the labour inspectorate—was considerably increased.

Article 14. All occupational risks arising in undertakings are reported by the employers to the Labour Judge. The Secretary of the Labour Court is required to send a quarterly report to the Statistical Office of the Ministry of Labour and Social Welfare, which sends on to the other offices of the Ministry, including the general inspectorate, statistical information which is of interest to them.

Article 21. The Government hopes to be able to furnish in future annual reports containing all the information required under this Article of the Convention.

CUBA

Act No. 1166 of 23 September 1964 respecting the dispensation of justice in labour matters (*Gaceta Oficial*, 29 Sep. 1964, No. 2).

Decision of the Council of Ministers of 8 September 1964 to approve general principles for the organisation of labour protection and occupational health.

In reply to a direct request and an observation made by the Committee of Experts, the Government has stated that, under the above-mentioned decision, the application of labour protection and occupational health measures is entrusted to the heads of labour centres and of undertakings, under the administrative supervision of the respective central organs. For this reason, the labour inspectorate carries out a permanent administrative function at all levels, in accordance with the organisation of economic and administrative planning.

CYPRUS

In reply to a direct request made by the Committee of Experts, the Government has stated that the enforcement of the legislation respecting hours of work is at present the responsibility of the police, acting in collaboration with the Ministry of Labour and Social Insurance. Steps are being taken to provide this Ministry with the necessary powers through the labour inspectors.

The Government has added that the next labour inspection reports will contain all the information requested by Article 21 of the Convention.

DENMARK

Ministry of Labour Regulations of 2 November 1964 (notification of occupational diseases on the part of physicians).

Ministry of Labour Circulars of 26 November 1964 and 18 May 1965 providing for co-operation between the labour inspection service and various other services and departments.

GHANA

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

Article 2, paragraph 2, of the Convention. Mines inspection is governed by the Mining Rights Regulations. No special provisions govern labour inspection in transport undertakings.

Articles 7 and 10. A labour inspector must possess Cambridge school certificate or the equivalent thereof and pass the competitive examination for the executive grade of the civil service. He should have had some years experience in the field of industrial relations or labour problems. On appointment, a labour inspector receives his initial training from an assistant labour officer.

The present staff of the inspection service consists of 14 labour officers, one senior factory inspector, one factory inspector, 29 assistant labour officers (including one woman), five assistant factory inspectors, 23 senior labour inspectors (including one woman) and 31 labour inspectors.

Article 13, paragraph 2 (b); Articles 14 and 15, clause (c). Provisions have been made in the new Labour Bill to give effect to these Articles of the Convention. This Bill was expected to be published before the end of 1965.

GREECE

Act No. 4344 of 1964 to amend certain provisions of the Ministry of Labour Regulations.

Legislative Decree No. 4435 of 1964 and Act No. 4474 of 1965 to supplement the provisions of the Ministry of Labour Regulations.

Ministerial Order No. 51216 of 24 March 1965 governing the remuneration of inspectors for inspections carried out at night, on Sundays and on public holidays, and reimbursement of travel expenses.

Article 2 of the Convention. The inspection of mining and transport undertakings and of the work of seamen is the responsibility, respectively, of the Ministry of Industry, the Ministry of Communications and the Ministry for the Merchant Marine.

Article 3. Apart from their primary duties, inspectors act as mediators between workers and employers, compile statistics, take part in arbitration proceedings in the event of labour disputes, strikes and lockouts, and encourage collective bargaining.

Article 7. In accordance with Royal Decree No. 868 of 1960, as amended, labour inspectors in category A must have, in addition to the qualifications required under the Civil Servants' Code, either a university degree or a diploma from an advanced technical educational establishment, or a certain amount of experience of labour administration, while those in category B must hold a diploma from a secondary technical educational establishment.

It is compulsory, under Legislative Decree No. 2954 of 1954, for labour inspectors, on starting service, to attend a training course which may be supplemented by practical experience of the enforcement of labour legislation and ministerial instructions.

Article 9. 12 per cent. of the labour inspection staff are technical experts and specialists.

Article 10. The present strength of the labour inspection staff is 268, as compared with 167 in 1960.

Article 13. Up to now there has been no provision empowering inspectors to order measures which it is compulsory for the employer to carry out, but they may institute legal proceedings in the event of breaches of the statutory provisions in respect of safety and health. The Labour Code now in course of preparation will contain a provision conforming to the requirements of the Convention on this point.

Article 16. To strengthen the labour inspection corps 78 new inspectors were appointed during the period under review. The ministerial order of 24 March 1965, which provides for the payment of compensation for inspections conducted outside of normal working hours and the reimbursement of travel expenses, has resulted in an increase in the number of visits to undertakings.

Articles 20 and 21. The report of the labour inspection service for 1964 was appended to the Government's report. This report contained the particulars required by Article 21.

GUATEMALA

In reply to an observation made by the Committee of Experts, the Government has stated that the Ministry of Labour and Social Welfare has given the necessary instructions for the drafting of texts to give effect to the provisions of Article 12, paragraph 1 (c) (i) and (ii), and Articles 14, 20 and 21 of the Convention.

ISRAEL

Safety at Work Ordinance, 1946, and Regulations made thereunder.

In reply to an observation made by the Committee of Experts, the Government has communicated a copy of the annual report on the activities of the labour inspectorate for 1961 and 1962 and has added that a copy of the report for 1963 and 1964 will be forwarded in due course.

The Government has also indicated that 67 inspectors are employed in the labour inspectorate.

ITALY

In reply to a direct request made by the Committee of Experts, the Government has confirmed that, in pursuance of section 4 of Decree No. 128 of 1959, mines inspectors already have the power to take samples of minerals or substances handled. The Government has given an assurance that, should this legislation be amended at any time, specific mention of this power would be included in the amending legislation.

The Government has provided detailed information on efforts made to increase the labour inspection staff and to develop further the organisation of the inspectorate.

JAMAICA

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

Article 12, paragraph 1 (c) (i), of the Convention. It is not proposed at this stage specifically to incorporate this provision in the national legislation.

Article 14. Consideration is being given to the incorporation of measures for the notification of occupational diseases in a Safe Mining Regulation.

Article 15, clause (c). It is not the practice for labour inspectors to give notice to an employer that a visit is being made as a consequence of the receipt of a complaint.

The Government's report also contains some statistics on labour inspection activities during the period under review.

JAPAN

Organisations for Prevention of Industrial Accidents Law, No. 118 of 29 June 1964, and Ministry of Labour Ordinance No. 19 of 31 July 1964 issued thereunder.
Mines Safety Law, as amended by Law No. 172 of 16 July 1964.

To combat the recent frequency of serious accidents, the Mines Safety Law has been amended, as indicated above, and attempts have been made to improve and strengthen safety in mines by establishing a system of safety supervisors and of assistant overseers.

In addition, the law respecting employment accident prevention provides that the Chief of the Prefectural Labour Standards Office, or the Chief of the Labour Standards Inspection Office, may order the employer concerned to suspend the use of, or to alter the whole or part of his undertaking, to suspend temporarily the whole or part of his operations or to take other necessary measures to prevent employment accidents.

KENYA

In reply to a direct request made by the Committee of Experts, the Government has stated that, due to pressure of work, the Bill to amend the Employment Act so as to give effect to Article 15, clause (c), of the Convention, has not yet been adopted. However, the revised Act is now being drafted by the law officers.

MALAWI (First Report)

Employment of Women, Young Persons and Children Ordinance, No. 22 of 20 November 1939, as amended.

Trade Disputes (Arbitration and Settlement) Ordinance, No. 22 of 4 December 1952, as amended.

African Emigration and Immigrant Workers Ordinance, No. 1 of 28 May 1954, as amended.

Trades Union Ordinance of 4 March 1959, as amended.

Employment Ordinance, No. 14 of 17 March 1964 (*Government Gazette (G.G.)*, 20 Mar. 1964) (*L.S. 1964—Ny. 1*).

Labour Legislation (Miscellaneous Provisions) Ordinance, No. 15 of 17 March 1964 (*G.G.*, 20 Mar. 1964) (*L.S. 1964—Ny. 2*).

Factories Ordinance, No. 21 of 17 March 1964.

Workmen's Compensation Ordinance.

Apprenticeship Ordinance.

Regulation of Minimum Wages and Conditions of Employment Ordinance (Government Notice, 1964, No. 189).

Article 1 of the Convention. A system of labour inspection exists in all workplaces. The appointment of labour officers or inspectors and of health inspectors is the responsibility of the Minister of Labour.

Article 2. The labour inspection system applies to all workplaces in respect of which legal provisions are enforceable. No exceptions have been made under paragraph 2 of this Article.

Article 4. The Minister of Labour is responsible for supervision and control of labour inspection.

Article 5. Effective co-operation is maintained between government departments and ministries, municipal councils and other local authorities.

Collaboration between officials of the labour inspectorate is promoted by the maintenance of close contact with employers' and workers' organisations.

Article 6. The inspectorate staff is composed of public servants. By virtue of their terms of service professional and executive officers are assured of stability of employment and enjoy pension rights making them independent of changes of government.

Article 7. The Civil Service Commission is responsible for recruitment and promotion policies, which are based solely on qualifications and experience. All vacancies for the position of labour officer are advertised.

Labour inspectors are generally appointed from the clerical branch of the Ministry of Labour. Initial training is provided to them in that branch. Further training is made available in overseas countries such as the United Kingdom. In-service training is also given by the Ministry's training officer.

Article 8. Women are not precluded by laws or regulations from appointment to the inspectorate. However, up to the present no suitably qualified women have applied for such employment.

Article 9. Factories inspectors having engineering qualifications are responsible for safety and health in factories, and have legal powers of inspection in factories, mines and shipping undertakings.

The Minister has appointed all medical officers employed full time by the Ministry of Health as authorised officers to deal with the health, sanitation and care of employees.

The services of a pathologist or analyst are also available.

Article 10. In view of the present stage of industrialisation of Malawi, the existing staff of the inspectorate, consisting of nine labour officers, nine assistant labour officers and 19 labour assistants, provides adequately for the necessary inspection coverage. Both potential labour and factory inspectors undergo special training abroad.

Article 11. Offices are located at each of the administrative centres throughout Malawi and are readily accessible to all persons concerned. Transport facilities are provided where suitable public facilities do not exist. Officers are reimbursed in respect of travel and incidental expenses incurred while on duty.

Article 12. For the purpose of enforcing and administering labour legislation, every labour officer is authorised by law (section 4 of Ordinance No. 15 of 1964) to exercise all of the powers and functions described in this Article of the Convention, as well as additional powers not spelled out in the Convention—for instance to institute and conduct proceedings on behalf of any employee, his family or his representative against any employer in respect of any matter or thing or cause of action arising from the employment, or the termination of the employment, of such employee.

Article 13. The Chief Inspector of Factories is empowered to require such alteration to an installation or plant as he may consider necessary to be carried out within a specified time limit. He is empowered, *inter alia*, to prosecute factory owners or occupiers for contravention of the Factories Ordinance.

Article 14. Written notice of every accident involving death or serious injury must be sent to the Chief Inspector of Factories. The same procedure is also applicable under the law in respect of cases of occupational disease.

Article 15. Section 4, paragraph 3, of Ordinance No. 15 of 1964 applies the provisions of this Article of the Convention.

Article 16. Adequate measures are taken to ensure systematic inspection of all workplaces.

Article 17. The requirements of this Article are met by section 7 of Ordinance No. 15 of 1964.

Article 18. Any person who obstructs a labour officer is guilty of an offence and shall be liable on conviction to imprisonment or a fine.

Article 19. A copy of the report of every labour inspection is forwarded to the Ministry of Labour headquarters and, in addition, area labour officers are required to submit comprehensive quarterly reports.

Article 20. The Ministry produces an annual report on its activities. Copies of future annual reports will be transmitted to the I.L.O. immediately on publication.

Article 21. The annual report contains information on the subjects listed in this Article.

Articles 22 to 24. The requirements of Articles 3 to 21 are applied in respect of labour inspection in commercial workplaces.

Article 25. Ratification of this Convention did not exclude the provisions of Part II.

Article 27. Section 12 of Ordinance No. 83 of 1963 provides that collective agreements and arbitration awards are included within the meaning of the term "legal provisions".

Article 29. As an interim economy measure, owing to the great distances involved, inspection officers do not carry out inspections of small grain mills (operated by individual self-employed persons).

MALAYSIA States of Malaya

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

Article 6 of the Convention. The status and conditions of service of labour inspectors are governed by the federal Constitution (Part X: Public Services). Labour inspectors are appointed by the Public Service Commission and may be dismissed only by the Commission.

Article 7, paragraphs 1 and 2. Labour inspectors are recruited as junior assistant commissioners on terms and conditions laid down in the prescribed scheme of service.

Article 10. A list showing the number of labour inspectors in the various offices of the Department of Labour and Industrial Relations and in the territory of the states was appended to the Government's report.

Article 12, paragraph 1 (a) and (c) (iv). Labour inspectors are empowered to enter workplaces liable to inspection "at any reasonable time". The term "at any reasonable time" does not imply any restriction of this power and also includes entry by night.

A new Factories Act presently under consideration will specifically empower inspectors to enter any workplace at any time of the day or night and to remove samples of materials or substances for analysis.

Article 14. Under section 5 and section 13, paragraph 1, of the Workmen's Compensation Ordinance, cases of occupational disease are required to be reported to the Labour Commissioner.

Article 15, clause (a). General Orders, order 12, paragraph (a) (i), give effect to this provision.

Article 19. Monthly reports, which include information on labour inspection activities, are submitted to the Commissioner of Labour in a prescribed form. Such information is summarised in the monthly reports of the Ministry of Labour.

Articles 20 and 21. A copy of the annual report for 1961 has been communicated to the International Labour Office.

Sabah

In reply to a direct request made by the Committee of Experts, the Government has indicated that the standardisation of legislation throughout Malaysia is now being examined by a government committee. In this connection, the possibility of including in the legislation a provision requiring labour inspectors to treat as absolutely confidential the source of any complaint will be considered.

Sarawak

In reply to a direct request made by the Committee of Experts, the Government has stated that every effort will be made to publish future annual reports of the Labour Department in due time.

MALI (First Report)

Labour Code, Act No. 62-67 of 9 August 1962 (*Journal officiel de la République du Mali*, 15 Oct. 1962, No. 128) (L.S. 1962—Mali 1) (Title VII, Chapter II).

All paid employment is subject to supervision by the labour inspectorate. No exception is allowed.

The functions of the inspectorate, defined in section 346 of the Code, are in conformity with the provisions of the Convention.

The labour inspectorate is under the authority of the Minister of Labour. At all grades and within the Labour Council the inspection services collaborate with the public organs and with employers' and workers' organisations.

The preparation of special regulations covering labour inspectors, within the framework of the public servants regulations, is being studied. The social section of the National School of Administration at Bamako is responsible for the training of labour inspectors. Women are eligible for employment in the inspectorate and section 354 of the Code provides for the appointment of medical labour inspectors.

The inspectorate staff, which is not yet complete, consists of two inspectors and 12 supervisors. Each inspectorate has an office and a car.

The inspectors' powers, set out in section 353 of the Code, are the same as those laid down in the Convention.

Industrial accidents and occupational diseases are reported to the labour inspectorate. Each undertaking is visited at least once a year.

Penalties for obstructing a labour inspector in the free exercise of his duties are laid down in section 391 of the Code.

An annual report giving statistics is drawn up by the Labour Department on the basis of the reports sent in by the regional inspectors.

MALTA

In reply to a direct request made by the Committee of Experts, the Government has stated that the powers and functions of inspectors, as defined in Articles 12 and 15 of the Convention, apply to all inspectors.

Moreover, though immediate executive powers of inspectors, provided for in Article 13, paragraph 2 (*b*), of the Convention, are not spelt out by law, in case of an emergency an inspector would take immediate measures in consultation with his superiors.

MAURITANIA (First Report)

Labour Code, Act No. 63-023 of 23 January 1963 (*Journal officiel de la République islamique de la Mauritanie (J.o.R.i.M.)*, 20 Feb. 1963, No. 106, p. 53, as corrected in *ibid.*, 15 May 1963, No. 112, p. 143) (*L.S.* 1963—Mau. 1).

Act No. 61-130 of 1 July 1961 to establish civil service rules (*J.o.R.i.M.*, 16 Aug. 1961).

Decree No. 61-140 of 7 July 1961 to establish the duration and terms of vocational training periods (*J.o.R.i.M.*, 21 Feb. 1962).

Decree of 26 February 1962 respecting the territorial organisation of the labour inspection services.

Decree No. 50-118 of 20 August 1963 to reorganise the labour service (*J.o.R.i.M.*, 18 Sep. 1963, No. 119-120).

Decree No. 65-096 of 4 June 1965 to set up a medical labour inspection service (*J.o.R.i.M.*, 4 June 1965).

Decree No. 65-097 of 4 June 1965 to establish procedures for the notification of industrial accidents and cases of occupational disease (*J.o.R.i.M.*, 7 July 1965, No. 163).

Article 2 of the Convention. The following undertakings are liable to special technical supervision: mines and quarries, the merchant navy and fishing, similar undertakings.

Article 4. The labour inspectorate is placed under the authority of the Ministry of Labour.

Article 5. Since the staff of the inspection service is fairly small, co-operation with other services and with employers' and workers' organisations is easily achieved.

Articles 6, 7 and 10. The civil service rules apply to the labour inspection staff. Part of the staff (two officials) consists of former agents who have been promoted to the rank of labour supervisors. Another part is recruited by competition open to all holders of a secondary school certificate. Upon appointment, officials undergo a training period at the Paris Institute of Advanced Studies for Students from Overseas Countries. The present staff comprises three supervisors, assigned to Nouakchott, Port-Etienne and Zouerate respectively, and one supervisor attached to the international relations department.

Article 9. Decree No. 65-096 of 4 June 1965 set up a medical labour inspectorate.

Article 11. The premises of the inspection service are suitably equipped and are accessible to the public. Transport facilities are available to the supervisors, but budgetary difficulties have made it impossible up to now to refund travelling expenses.

Article 13. Labour inspectors have the powers provided for in this Article.

Article 14. Notification of industrial accidents and cases of occupational disease was made compulsory by Decree No. 65-097 of 4 June 1965.

Article 16. Lack of funds makes it difficult to supervise establishments located elsewhere than the towns where the labour supervisors reside, but nearly all workers are, in fact, employed in those towns.

Article 18. Labour inspectors and supervisors may make written reports on violations of the legislation.

Article 19. This Article is not applied at present.

Articles 22 to 24. Commercial workplaces are liable to labour inspection in the same way as industrial workplaces.

MOROCCO

In reply to a direct request made by the Committee of Experts, the Government has stated that consideration is being given to amending the provisions of the Dahir of 2 July 1947 in such a way as to empower labour inspectors to order measures with

immediate executory force in the event of imminent danger to the health or safety of workers.

NEW ZEALAND

Coal Mines Act, No. 39 of 1 October 1925 (L.S. 1925—N.Z. 2.)

Transport Act, No 135 of 14 December 1962.

Machinery (Amendment) Act, 1963.

Wages Protection Act, 1964.

NIGERIA

Article 1 of the Convention. Labour inspection of industrial workplaces is carried out by labour officers, factory inspectors and labour inspectors.

Article 2. The system of labour inspection is applicable to all undertakings covered by the Labour Code and the Factories Act, including transport and mining undertakings.

Article 3. The functions of labour officers and labour inspectors conform to the provisions of the Convention. In addition the labour inspectorate staff participate, *inter alia*, in the settlement of disputes and the supervision of employment exchanges.

Article 4. All labour inspection comes under the authority of the federal Ministry of Labour.

Article 5. The inspectorate co-operates with employers and trade unions in promoting joint consultation and good conditions. Collaboration with other ministries, i.e. the Ministry of Health and the Ministry of Justice, is maintained. In addition, the newly established National Labour Advisory Council, consisting of government, workers' and employers' representatives, advises the Minister of Labour on labour matters.

Article 6. The inspectorate staff are officials of the federal service. They enjoy permanent and stable employment independent of changes of government and of improper external influences.

Article 7. Labour officers, factory inspectors and labour inspectors are recruited solely on the basis of their qualifications. On appointment a labour inspector receives on-the-job training. More advanced training is arranged later either in Nigeria or abroad.

Article 9. The co-operation of technical experts is enlisted whenever necessary.

Article 10. There are nine labour officers, 15 labour inspectors and 21 assistant labour inspectors located throughout the country.

Article 11. Modern and well-equipped regional and district offices for labour inspectors are maintained. Labour inspectors are provided with loans to purchase cars and are paid car and mileage allowances.

Article 13. The requirements of this Article are covered by sections 19 and 42 of the Factories Act.

Article 14. Factory occupiers are required under the Declaration of Occupational Diseases Notice, 1956, to give written notice to the nearest inspector on the occurrence of any occupational disease. Notification of accidents is required under sections 15 and 16 of the Workmen's Compensation Act and under section 56 of the Factories Act.

Article 16. Inspection visits to workplaces are frequent.

Article 17. Labour officers and labour inspectors have the power to prosecute in a court of law for breaches of the Labour Code. In practice observance of the legal provisions is generally obtained through the advice given by the inspectorate.

Article 18. Provision for penalties exists in the labour laws for violations of their requirements.

Article 19. Labour inspectors submit regular monthly, quarterly and annual reports which are compiled by the federal Ministry of Labour.

Article 22. A labour officer has statutory powers of inspection in commercial workplaces. This includes, in some areas, retail trades and the catering trade.

NORWAY

Order in Council of 13 November 1964.

Under this order a special inspector of mines (including those in Spitzbergen) has been appointed to the Labour Inspection Department, and a temporary arrangement has been made whereby a mining specialist undertakes the duties of labour inspector in Spitzbergen.

PAKISTAN

East Pakistan Factories Act, No. IV of 5 August 1965 (*The Dacca Gazette*, 1 Sep. 1965, Extraordinary).

In reply to an observation and a direct request made by the Committee of Experts, the Government has provided the following information.

Article 10 of the Convention. East Pakistan has 20 inspectors. Information on West Pakistan is being collected and will be submitted to the I.L.O. at a later date.

Articles 12 to 15. The East Pakistan Factories Act, 1965 (section 9, paragraph 5, section 10, section 16, paragraph 3, section 22, paragraph 1, sections 38 and 39) give effect to these Articles of the Convention.

In West Pakistan the Factories Act, 1934, and the Mines Act, 1923, are being replaced by provincial legislation on these subjects.

Article 20. Efforts are being made to publish and submit to the I.L.O. annual reports on the application of various labour laws.

PERU

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

Article 3, paragraph 1 (b) and (c), of the Convention. Employers and workers are provided with technical information and advice respecting compliance with the provisions of the law not only through the inspection services section of the Labour Department but also through the labour welfare section.

The provisions of paragraph 1 (c) are enforced mainly by the officials responsible for conducting inspection visits within the framework of national inspection campaigns.

Article 5. As regards government departments, there is direct co-ordination between the activities of the inspection services and those of the health and education services. Co-operation with employers' and workers' organisations is facilitated by the fact that those organisations are represented on advisory bodies such as the National Labour Council, whose task it is to promote harmonious relations between employers and workers.

Article 10. The Ministry of Labour has decentralised its services to form a central labour department and three regional departments (northern, central and southern) which cover the whole of the national territory. Several labour inspectorates are placed under the authority of each department; their number has been gradually increased to 39 (in 1965).

Article 12, paragraph 1. The labour authorities are empowered to visit premises if they deem it necessary in order to obtain information or to verify a denunciation respecting an alleged violation of the labour legislation in force.

The labour authorities are also empowered to request the submission of company books, registers and all other documents that employers are bound to keep by law,

for the purpose of ascertaining that they comply with the legal provisions in force. They may also require the posting of any notices made compulsory by law.

Article 13, paragraph 2 (b). All workplaces must meet the statutory requirements before their operation can be authorised. Among those requirements, the installation of mechanical and other appliances is required to conform to the provisions of the presidential decree of 4 July 1913. If these provisions are not complied with, orders may be given for immediate remedial measures to be taken, or penalties may be imposed which may include closing down the establishment.

Article 14. The labour inspectorate must be notified of all accidents which occur within its jurisdiction; in other localities notification is made to the political authorities. The attention of the drafting committee set up to prepare a new Labour Code has been drawn to this discrepancy.

Article 15. Section 9 of the presidential decree of 23 March 1936 (establishing Labour Department Regulations) provides that "officials of the Labour Department may not, on pain of removal from office, reveal industrial or commercial secrets or processes which may come to their knowledge in the performance of their duties".

Article 16. Apart from the normal routine inspection visits, inspection campaigns are occasionally organised for particular areas, the whole national territory eventually being covered.

PORTUGAL

Legislative Decree No. 45369 of 22 November 1963 to reorganise the Ministry of Corporations and Social Welfare.

Legislative Decree No. 45853 of 4 August 1964 to amend sections 33 and 66 of Decree No. 37747 of 1950 issuing regulations for the labour inspectorate.

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

Article 12, paragraph 1 (c) (i), of the Convention. Labour inspectors are authorised to interrogate employees and workers; the employers' organisations or their representatives may not interfere in such interrogation (section 23 of Decree No. 37747).

Article 15, clause (a). Paragraph 104 of the public service rules for the overseas provinces provides that public office is incompatible with commerce or industrial activity, whether engaged in directly or through the intermediary of another person.

The Government's report contains long extracts from the legislation concerning labour inspection in the overseas provinces as well as tables relating to inspection in the metropolitan territory and in Angola.

SENEGAL (First Report)

Constitution, as revised by Act No. 63-22 of 7 March 1963 (*Journal officiel de la République du Sénégal* (J.o.R.S.), 11 Mar. 1963).

Labour Code, Act No. 61-34 of 15 June 1961 (J.o.R.S., 3 July 1961).

Decree No. 62-017 of 22 January 1962 to prescribe the scales of penalties to be imposed by the police on persons contravening the provisions of the Labour Code and the regulations issued thereunder (J.o.R.S., 10 Jan. 1962).

Decree No. 62-076 of 27 February 1962 to establish regulations for officials of the labour inspection service.

Decree No. 62-0116 of 21 March 1962 to prescribe the procedure for organising and operating the labour and social security services (J.o.R.S., 7 Apr. 1962).

Order No. 5958 of 11 April 1962 to prescribe a model identity card for labour and social security inspectors and supervisors (J.o.R.S., 5 May 1962).

Act No. 62-46 of 10 June 1962 authorising the ratification of Convention No. 81 (J.o.R.S., 18 June 1962).

Decree No. 64-007 of 9 January 1964 to ratify Convention No. 81 (J.o.R.S., 16 Mar. 1964).

Under the Constitution ratified Conventions have the force of law.

Article 2 of the Convention. The system of inspection applies to all undertakings without exception.

Article 3. In addition to carrying out the functions listed in this Article, labour inspectors act as conciliators in individual or collective labour disputes. They may be appointed as arbitrators, but none has been so appointed up to the present.

Article 4. The labour inspection service is placed under the authority, supervision and control of the Minister of Labour.

Article 5. The inspection service collaborates closely with the social security services. Collaboration with employers and workers takes place through the National Labour Advisory Board and at various stages during the framing of collective agreements, conciliation, grading of occupations, etc.

Article 6. Inspectors and labour supervisors are governed by the general civil service regulations and by their own regulations.

Article 7. Labour inspectors are given advanced level training at the National School of Administration.

Article 9. Owing to the shortage of medical practitioners none has so far been appointed to the inspection service, although provision has been made for their appointment thereto in the Code. Undertakings are required, however, to have a medical practitioner to advise them on safety, health and welfare matters. Inspectors may, where necessary, seek the advice of the Technical Advisory Committee or of any technical expert.

Article 10. There are seven regional inspectorates in the national territory. There are four labour inspectors in service in Senegal, two at the Labour Department and two in the regional inspectorates at Cap Vert and Sine-Saloum. The other five regional inspectorates are run by labour supervisors or by an inspector from a neighbouring region.

Article 11. The inspectors have suitable offices and transport facilities. They are given adequate allowances for travel expenses.

Article 13. In the event of infringement of the safety and health regulations the inspector serves formal notice on the employer, who may appeal to the Director of Labour.

Article 14. The inspectorate must be notified of employment accidents or cases of occupational disease within 48 hours.

Article 16. Undertakings employing more than 20 workers must be visited by an inspector at least once a year and those employing more than 50 workers must be visited by an inspector at least twice a year (for urban areas these figures are ten and 25 workers respectively).

Article 18. Appropriate penalties are provided for in the Labour Code.

Articles 20 and 21. The report on the activities of the labour inspection service for the year 1963-64 has been sent to the International Labour Office.

In 1961 the Correctional Court of Appeal for Dakar condemned an employer to a suspended sentence of 15 days' imprisonment and a fine of 15,000 C.F.A. francs for obstructing an inspector in the performance of his duties and insulting the said inspector.

SIERRA LEONE

In reply to an observation made by the Committee of Experts, the Government has supplied the following information.

Article 12, paragraph 1, of the Convention. The inspectors' powers which are specified in section 10 of the Registration of Employees Act relate only to the application of part of the labour legislation.

SINGAPORE

In reply to a direct request made by the Committee of Experts, the Government has indicated that the Labour Department's annual report for 1964 and subsequent years will contain information concerning occupational diseases.

SPAIN

Act No. 109 of 20 July 1963 respecting civil servants (*Boletín Oficial del Estado*, 23 July 1963) and Decree No. 315 of 7 February 1965 to implement the Act.
Act No. 228 of 28 December 1963 to reorganise the labour inspection service.

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

Article 2, paragraph 1, of the Convention. The Government does not intend to make use of other exceptions in the foreseeable future, so that it will not be necessary to amend the legislation in the manner suggested in the observation made by the Committee.

Article 5. In practice the trade unions co-operate with the labour inspectorate, since inspectors are required to make contact with the trade unions or works councils.

The rules of the works councils make those bodies responsible for the enforcement of labour and welfare legislation. Moreover, collective labour agreements provide for the establishment of joint committees for the application and enforcement of agreements.

Article 7. After entering the service, inspectors follow both theoretical and practical courses (on occupational safety and health, productivity, new technology, etc.), the better to qualify them to perform their inspection duties adequately.

Article 10. The national labour inspection service is composed of 464 technical inspectors, comprising 167 general inspectors and 297 provincial inspectors. A competition has been announced for 1966 (by an order of 24 October 1965) to fill 25 posts.

Article 11. The premises, equipment and transport facilities of the labour inspection service have been notably improved.

Article 16. The monthly reports of inspectors on their work and inspection visits carried out provide their superiors with the means of ascertaining the frequency and effectiveness of visits.

Article 18. Obstructing an inspector in the performance of his duties may make the offender liable to serious penalties.

Articles 20 and 21. The statistical data requested were attached to the Government's report.

The Government has also supplied the following information on the operation of inspection services in the overseas provinces.

In the provinces of Ifni and Sahara the head of the labour section himself carries out inspection visits, in accordance with section 90, paragraph 2, of the order of 2 March 1954 and with reference to section 87 thereof. For the time being, it is not necessary to enlarge the inspection service in those provinces because of the small number of undertakings and the small population. The provincial labour inspectorate at Las Palmas (Grand Canary) has co-operated whenever necessary in the enforcement of labour and social welfare provisions.

The provinces of Equatorial Guinea have been self-governing for such a short time that the administrative system is not yet fully organised. It is the responsibility of the Secretary for Labour in Equatorial Guinea to organise the labour inspection service in the territory. It is hoped that in the next report further details can be given concerning the practical organisation of labour inspection in the areas mentioned in the request made by the Committee of Experts.

SYRIAN ARAB REPUBLIC

Order No. 312 of 10 June 1964 to regulate inspection by night in establishments covered by the labour legislation.

Order No. 465 of 4 July 1965 to publish regulations respecting labour inspection.

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

Article 3, paragraph 1 (b) and (c), of the Convention. There are no legal provisions or regulations relating to the functions listed in this Article of the Convention. In practice labour inspectors notify the competent Ministry of any difficulties encountered in the course of their inspections.

Paragraph 2. Owing to the shortage of staff, inspectors may be entrusted, in addition to their primary duties, with functions connected with trade unions, the recruitment and dismissal of workers, and wages questions.

Article 5, clause (b). The officials of the labour inspection service examine the problems which arise in the employment sphere and their possible solution in collaboration with employers and workers or their organisations.

Article 8. Although women have the same rights as men, no woman is at present exercising the functions of a labour inspector, owing to the arduous nature of these functions.

Article 10. At present there are 37 labour inspectors in the different provinces of the country. Owing to the shortage of staff, inspectors have general competence and have not had an opportunity to specialise.

Article 12, paragraph 1 (a). Effect is given to this provision of the Convention by Order No. 312 of 1964 and the regulations of 1965 (paragraph 16).

Paragraph 1 (c) (i) and (iv). Under paragraph 9 of the regulations of 1965 labour inspectors are empowered to interrogate the employer of the staff of an undertaking on any matters relating to the application of the legal provisions.

Paragraph 2. Paragraph 6 of the regulations of 1965 permits an inspector not to notify the employer of his presence if he considers that such a notification may be prejudicial to the performance of his duties.

Article 15. Under paragraph 39 (9), of the civil service regulations labour inspectors may not, on pain of dismissal, engage directly or indirectly in any activity not forming part of their functions or in conflict therewith.

Article 17. Section 212 of the Labour Code and paragraph 2 of the regulations of 1965 give labour inspectors the status of judicial police officers empowered to draw up reports with a view to possible prosecution.

TANZANIA

Tanganyika

Mining Ordinance (Amendment) Act, 1964.

In reply to a direct request made by the Committee of Experts, the Government has stated that the above-mentioned Act has amended the Mining Ordinance to authorise the mines inspectors to take samples of all materials and substances.

Moreover, it is now intended to amend section 9, paragraph 2, of the Employment Ordinance in order to remove certain limitations placed on the powers of officials below the rank of labour officer.

TUNISIA

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

Article 4 of the Convention. Sections 159 to 181 of the draft Labour Code now being considered by the National Assembly give effect to this Article of the Convention.

Article 12, paragraph 1 (a) and (b). The Government's report gives indications as to the manner in which free access to undertakings by day and night is ensured.

Paragraph 1 (c) (i). A circular of 20 December 1965, the text of which was attached to the Government's report, defines the scope of the term "inquiry" and specifies that inspectors may interrogate the employer or the staff of the undertaking, either alone or in the presence of witnesses.

Paragraph 1 (c) (ii). There is no formal provision authorising labour inspectors to remove samples; in case of need, they can call upon the medical labour inspectors, who are legally authorised to remove samples.

Paragraph 2. As a general rule, inspectors are required to show the employer their service card, but they may abstain from so doing if they consider that such advance notification may be prejudicial to the effectiveness of the inspection visit.

Article 13, paragraph 2 (b). Administrative and court practice in Tunisia do not allow a labour inspector to prescribe measures with immediate executory force in case of imminent danger to the health or safety of the workers. In case of need, the inspectors have recourse to the competent authority which then prescribes the necessary measures.

Article 15. A circular of 1 December 1965, a copy of which was attached to the Government's report, reminds inspection officials that they are bound not to divulge the source of any complaint received even after they have left the service.

TURKEY

Act No. 275 of 15 July 1963 respecting collective labour agreements, strikes and lockouts (*Resmî Gazete*, 24 July 1963, No. 11462, p. 6) (*L.S.* 1963—Tur. 2), as amended by the Act of 16 July 1964.

In reply to a direct request and an observation made by the Committee of Experts, the Government has supplied the following information.

Article 3 of the Convention. Additional duties entrusted to labour inspectors consist of supervising compliance with collective labour agreements, arbitration awards and decisions of the Conciliation Board (section 47 of the above-mentioned Act). They also attend meetings of the Conciliation Board and supervise the taking of strike ballots (sections 15 and 22). The inspectors make every effort to carry out these duties in such a way as not to allow them to interfere with their principal duties.

Articles 6 and 10. The Social Insurance Institute has been allocated 49 posts of health and safety technical inspectors. These inspectors are not state officials but are governed by the rules for employees of state-owned economic undertakings. Their remuneration is on a level with that of the highest public officials. They receive appropriate training. Forty-two posts have already been filled, including nine physician posts and 33 engineer posts (calling for various types of specialisation).

Articles 20 and 21. According to the Government the latest reports of the labour inspection service were due to be published in March 1966, and were to include statistics regarding infringements.

UNITED ARAB REPUBLIC

Law No. 46 of 2 February 1964 to issue public service regulations (*Al-jarida al-rasmiya*, 13 Feb. 1964, No. 39).

Law No. 63 of 21 March 1964 respecting social insurance (*La gazette fiscale, commerciale et industrielle*, Jan.-Mar. 1964, Vol. 16).

Article 6 of the Convention. Law No. 46 of 1964 governs the conditions of labour inspection staff.

Article 12. According to section 212 of the Labour Code, labour inspectors are empowered to act as judicial police officers and must take an oath regarding their

duties. They are empowered to inspect workplaces both by day and by night, examine registers and documents and request any necessary information.

Ministerial Decree No. 27 of 1961 governs inspection at night and outside working hours.

Article 14. Law No. 63 of 1964 respecting social insurance gives effect to the provisions of this Article.

Article 17. Ministerial instructions provide that no legal proceedings may be instituted unless the employer has previously been ordered to take steps to remedy the defect observed.

Article 18. Penalties are provided for under Book VII of the Labour Code.

Article 20. The Ministry of Labour publishes an annual report on the activities of the inspection service.

Articles 22 to 24. Articles 3 to 21 of the Convention are applicable to commercial establishments.

UNITED KINGDOM

Offices, Shops and Railway Premises Act of 31 July 1963 (*Public General Acts*, 1963, Cap. 41).
 Offices, Shops and Railway Premises Act, 1963 (Commencement No. 1), Order, 1964 (*Statutory Instruments (S.I.)*, No. 191).
 Offices, Shops and Railway Premises Act, 1963 (Modification of Section 29), Regulations, 1964 (*S.I.*, No. 761).
 Offices, Shops and Railway Premises Act, 1963 (Commencement No. 2), Order, 1964 (*S.I.*, No. 1045).
 Offices, Shops and Railway Premises Annual Reports Order, 1964 (*S.I.*, No. 1247).
 Young Persons (Employment) Act of 31 July 1964.
 Notification of Employment of Persons Order, 1964 (*S.I.*, No. 533).
 Factories Act, 1961 (Extension of Section 40), Regulations, 1964 (*S.I.*, No. 762).
 Examination of Steam Boilers Regulations, 1964 (*S.I.*, No. 781).
 Lead Processes (Medical Examinations) Regulations, 1964 (*S.I.*, No. 1728).
 Information for Employees Regulations, 1965 (*S.I.*, No. 307).
 Examination of Steam Boilers Regulations (Northern Ireland) of 19 February 1965 (*Statutory Rules and Orders*, No. 35).

In reply to an observation made by the Committee of Experts, the Government has stated that the Offices, Shops and Railway Premises Act, 1963, which came into force on 1 August 1964, applies to Great Britain only. Similar legislation covering offices and shops was expected to be introduced in Northern Ireland by the end of 1965. When this has been done, consideration will be given to the question of formal acceptance by the United Kingdom of Part II of the Convention.

Under the Offices, Shops and Railway Premises Act the position in regard to Articles 3 to 21 of Part I of the Convention is as follows.

Article 3, paragraph 1 (a). The Act relates to safety, health and welfare only. It makes provision for enforcement of the legal requirements by inspectors.

Paragraph 1 (*b*). Inspectors provide technical information and advice.

Paragraph 1 (*c*). Inspectors and the enforcing authorities are encouraged to bring to the attention of the Ministry of Labour matters concerning the safety, health and welfare in general of workers in premises covered by the Act.

Paragraph 2. Local authorities are required to enforce the relevant provisions in their areas and for that purpose to appoint inspectors. Although many inspectors employed by local authorities are also responsible for enforcing other legislation on related matters (for example, public health and shop hours), this duty is not such as to conflict with the effective discharge of their functions of labour inspection.

Article 4. A central government advisory inspectorate, based on the divisional offices of the factory inspectorate, was established in order to keep the Minister of Labour informed on the discharge by local authorities of their duties under the Act and to give advice to these authorities.

Article 5. There are frequent consultations between the Ministry of Labour, other government departments, public and private institutions and local enforcing authorities, as well as with employers' and workers' organisations, both nationally and locally, as the need arises.

Articles 6 and 7. The recruitment, training and conditions of work of inspectors employed by local and fire authorities are the direct responsibility of these authorities.

Inspection staffs of local and fire authorities are in grades which are accepted as appropriate to their duties and to other comparable local authority employment, for which well-established conditions of service satisfy this Article.

The central advisory inspectorate has helped in the organisation of training courses for local authority inspectors. Fire prevention officers of the fire authorities generally receive a central course of training lasting several months.

Article 9. Specialists are available in the departments of local authorities, which may also call upon the specialist resources of the factory inspectorate. Fire authorities generally have adequate specialists.

Article 11. Local and fire authorities in general make provision for their staffs which is adequate to meet the requirements specified.

Article 12, paragraph 1 (a). Under section 53, paragraph 1 (a), of the Offices, Shops and Railway Premises Act, 1963, inspectors may enter premises "at any reasonable time". In premises where work is carried on at night, entry at night would be reasonable.

Paragraph 1 (b). Section 53, paragraph 1 (a) (v), of the Act gives inspectors the power required under this provision of the Convention.

Paragraph 1 (c) (i). Section 53, paragraph 1 (d), of the Act meets this point.

Paragraph 1 (c) (ii) and (iii). Section 53, paragraph 1 (g), of the Act meets these points.

Paragraph 1 (c) (iv). The Act does not specifically authorise the taking of samples, but such action might be possible in particular cases under powers conferred by section 53, paragraph 1 (g), of the Act. Such action might also be authorised by regulations under section 20 of the Act.

Paragraph 2. This is normal inspection procedure.

Article 13. Inspectors do not have the powers provided for in paragraph 2. Under sections 22 and 32 of the Offices, Shops and Railway Premises Act, 1963, inspectors can make a complaint to a magistrates' court with a view to the remedying of dangerous conditions or practices.

Article 14. Provision is made for accidents to be notified to the enforcing authority. Notification of occupational diseases could be required by regulations under section 20 of the Act if the need arose.

Article 15, clause (a). Local and fire authorities are expected to apply the provisions of the civil service rules requiring the disclosure by their staff of any interest which they might have in an undertaking under their control.

Clause (b). Section 59 of the Offices, Shops and Railway Premises Act, 1963, meets this point.

Clause (c). This is general administrative practice.

Article 16. Local and fire authorities are entirely responsible for ensuring adequate frequency and thoroughness of inspection visits in their area.

Articles 17 and 18. The Act meets both these points.

Article 19. Local and fire authorities are required to submit an annual report to the Minister of Labour on their enforcement activities.

Article 20. The Minister of Labour is required to make an annual report to Parliament on the operation of the Act, a copy of which will be sent to the International Labour Office.

YUGOSLAVIA

Act of 4 April 1965 respecting the protection of labour (*Službeni List (S.L.)*, 5 Apr. 1965, No. 15, Text No. 314, as corrected in *S.L.*, 30 June 1965, No. 29, p. 1179 (L.S. 1965—Yug. 3).

The above-mentioned Act repeals all previous legislation in this field. The Constitution and the new Act respecting labour protection lay down the responsibilities of work communities, with particular reference to labour protection.

Articles 1 and 2 of the Convention. The Act establishes the general powers and duties of the labour inspection services. Supervision in mines is carried out by special authorities responsible for the inspection of mines.

Articles 3 and 4. According to the Act, labour protection covers safety and health measures, the prevention of industrial accidents and occupational diseases, measures to be taken for the welfare of workers and relating to working hours, holidays, special protection for women, young persons and the disabled, as well as all other measures ensuring complete protection of the life and health of the working man (sections 2 and 47).

The labour inspection authorities may propose measures and improvements aimed at guaranteeing more effectively the protection of labour.

The Act does not specifically define the machinery for labour inspection or the powers of the inspection services in each of the republics, which is left to the discretion of those authorities themselves acting within the framework of the principles laid down in the existing legislation.

The new Act sets up a federal labour inspectorate which is the organ through which the Federation exercises its supervisory powers.

The labour inspection services are placed under the authority of independent administrative bodies responsible for matters connected with labour. In the performance of their duties, they are responsible both to the competent political and executive authorities of the Federation and the republics and to the administrative bodies under whose authority they are placed.

Article 5. The inspection bodies are bound to co-operate with other services and departments concerned with labour inspection, particularly the health inspection authorities, the mines inspection authorities and other technical inspection services (section 101 of the Act). There is also co-operation between the inspection services and the trade unions and the economic chambers as well as between these services and "scientific and specialised institutions working in the fields of labour protection, health, economics and education and the social insurance offices and insurance institutions" (section 7).

Article 6. The labour inspectors carry out their duties independently. The law provides that any external influence or interference is unlawful and constitutes a breach of the independence of labour inspectors.

The general rules and conditions of service for labour inspectors are governed by the Act respecting the civil service, the Act respecting the administration of the republics and the Act respecting employment relationships. A federal inspector is appointed or removed from office by the Federal Executive Council on the proposal of the federal administrative body under whose authority federal labour inspection is placed. Inspectors of the republics are appointed and removed from office by a similar process.

Article 7. According to the Act respecting the civil service, recruitment generally takes place on the basis of a competition, the necessary qualifications being specifically described for each individual post.

The Act respecting the protection of labour provides that labour inspectors must have the prescribed qualifications and fulfil such other conditions as are required for the performance of their inspection duties (section 95).

The provisions concerning occupational qualifications and examinations for labour inspectors remain applicable until such time as any new provisions may be introduced.

Article 8. The Constitution and the national laws and regulations guarantee the same rights for men and women in any profession, occupation or office, including the office of labour inspector.

Article 9. In the performance of his duties, a labour inspector may avail himself of the services of a specialised institution or expert (sections 105 and 112 of the Act).

Article 10. In 1964 the labour inspectorates of the Federation and the republics had a total staff of 57 inspectors; the district inspectorates had a total staff of 74 inspectors and the municipal inspectorates had a total staff of 456 inspectors and 152 authorised employees.

Article 11. The labour inspectors have at their disposal offices that are suitably equipped for the requirements of the service and accessible to all persons concerned. They also have transport facilities and receive a daily allowance and the refund of all travelling expenses incurred in the performance of their duties.

Article 12. The provisions of the Act respecting the protection of labour meet all the requirements of Article 12 of the Convention (section 8, paragraph 3; sections 18, 21, 39, 40, 73, 104, 105, 106 and 107).

Article 13. An inspector may order measures to remove a defect or irregularity which must be put into effect within a given time limit. In case of imminent danger he may prohibit all work at any workplace until the causes of such danger have been eliminated (section 109 of the Act).

Article 14. Undertakings are required to give immediate notice to the labour inspectorate of every case of death, serious injury or accident and any occurrence liable to endanger the lives of employed persons (section 73 of the Act). Organisations, undertakings and institutions must keep a record in this connection (section 23).

Article 15. The collective ownership of means of production and the worker-management system leave the labour inspectors absolutely no legal scope for, or material possibility of, having a direct or indirect interest in the undertakings under their supervision. Their rules of service bind them to professional secrecy.

Article 17. If a labour inspector observes any irregularities in connection with the protection of labour, he must report the matter to the appropriate management body of the undertaking concerned (section 113 of the Act).

If the violation observed by a labour inspector constitutes a criminal offence, he is bound to take legal action (section 111).

Article 18. Fines are imposed for any case of breach of the labour protection requirements or for obstructing a labour inspector in the performance of his duties (sections 73, 118, 119, 120 (paragraph 4) and 122 of the Act).

Articles 19 to 21. The federal labour inspectorate is required to publish annual reports on conditions observed with regard to labour protection and safety and the activities of the inspection services (section 17).

The inspection services of the republics provide the federal inspectorate with information and reports on their activities (section 98).

Articles 22 to 24. The above remarks concerning the provisions of Articles 1 to 21 are applicable to commercial establishments.

Article 26. The Convention is applied in all workplaces in the country (section 102, paragraph 1).

Article 27. The term "requirements" in the Government's report includes, besides legal provisions, general rules adopted by the undertakings to give effect to the provisions of the Act respecting the protection of labour and other legal provisions.

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

The right to make inspection visits at night is meaningless in the case of undertakings which work only during the day, and to effect supervisory visits outside the working hours of such undertakings would be contrary to the principle of their self-management.

Mines inspectors have the same powers as the labour inspectors for the purpose of supervising the enforcement of measures to protect underground workers.

Section 107 of the Act respecting the protection of labour empowers inspectors to take all measures necessary to supervise the enforcement of the provisions of the law, and entitles them to take samples.

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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, Austria, Belgium, Bulgaria, Cameroon (Western Cameroon), Central African Republic, China, Cuba, Cyprus, Ghana, Greece, Guatemala, India, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Malawi, Malaysia (States of Malaya, Sabah), Mali, New Zealand, Nigeria, Peru, Portugal, Senegal, Sierra Leone, Singapore, Spain, Syrian Arab Republic, Tunisia, Turkey, United Republic Arab, United Kingdom, Yugoslavia.

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

Argentina, Finland, Federal Republic of Germany, Iraq, Netherlands, Sweden, Switzerland.

82. Social Policy (Non-Metropolitan Territories) Convention, 1947*This Convention came into force on 19 June 1955*

Countries	Ratification registered on	Countries	Ratification registered on
Belgium.	27. 1. 1955	New Zealand	19. 6. 1954
France	26. 7. 1954	United Kingdom	27. 3. 1950

UNITED KINGDOM

The Ministry of Overseas Development, set up in October 1964, not only provides direct advice and assistance from the United Kingdom but also informs territories of all facilities available to them from other sources, including the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the organisations participating in the Expanded Programme of Technical Assistance of the United Nations.

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

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	30. 9. 1954	France	26. 7. 1954
Belgium.	27. 1. 1955	United Kingdom	27. 3. 1950

UPPER VOLTA

See under Convention No. 6.

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

Cameroon (Eastern Cameroon), Gabon, Ivory Coast, Niger, Somalia (ex-Trust Territory), Togo.

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	Tanzania:	
Jamaica	26. 12. 1962	Tanganyika	30. 1. 1962
Kenya	13. 1. 1964	Zanzibar	22. 6. 1964
Malawi	22. 3. 1965	Uganda	4. 6. 1963
Malaysia (Sabah, Sarawak)	3. 3. 1964	United Kingdom	27. 3. 1950
Sierra Leone	13. 6. 1961	Zambia	2. 12. 1964
Singapore	25. 10. 1965		

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

The report from *Malaysia (Sabah, Sarawak)* repeats the information previously supplied.

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	Japan	14. 6. 1965
Austria	18. 10. 1950	Kuwait	21. 9. 1961
Belgium	23. 10. 1951	Liberia	25. 5. 1962
Bolivia	4. 1. 1965	Luxembourg	3. 3. 1958
Bulgaria	8. 6. 1959	Malagasy Republic	1. 11. 1960
Burma	4. 3. 1955	Mali	22. 9. 1960
Byelorussia	6. 11. 1956	Malta	4. 1. 1965
Cameroon:		Mauritania	20. 6. 1961
Eastern Cameroon	7. 6. 1960	Mexico	1. 4. 1950
Western Cameroon	3. 9. 1962	Netherlands	7. 3. 1950
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Chad	10. 11. 1960	Nigeria	17. 10. 1960
Congo (Brazzaville)	10. 11. 1960	Norway	4. 7. 1949
Costa Rica	2. 6. 1960	Pakistan	14. 2. 1951
Cuba	25. 6. 1952	Panama	3. 6. 1958
Czechoslovakia	21. 1. 1964	Paraguay	28. 6. 1962
Dahomey	12. 12. 1960	Peru	2. 3. 1960
Denmark	13. 6. 1951	Philippines	29. 12. 1953
Dominican Republic	5. 12. 1956	Poland	25. 2. 1957
Ethiopia	4. 6. 1963	Rumania	28. 5. 1957
Finland	20. 1. 1950	Senegal	4. 11. 1960
France	28. 6. 1951	Sierra Leone	15. 6. 1961
Gabon	14. 10. 1960	Sweden	25. 11. 1949
Federal Republic of Germany	20. 3. 1957	Syrian Arab Republic	26. 7. 1960
Ghana	2. 6. 1965	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

BULGARIA

The provisions of the Labour Code of 1951 and the Trade Union Rules and Regulations adopted by the Fifth Congress of Trade Unions in 1961 have not yet been completed. It is possible that this will happen as a result of further amendments to the Labour Code and after the next Congress of Trade Unions, to be held in 1966.

COSTA RICA

In reply to a direct request made by the Committee of Experts, the Government has stated in its report that it considers that social organisations should abstain from participation in political activities (which it defines as "the activities of those who hold or aspire to hold public office") and should devote themselves exclusively

to defending their economic and social interests. Within these bounds, they should indeed be guaranteed full freedom of action with respect to their constitution and operation.

ETHIOPIA (First Report)

Constitution, as revised in 1955.

Civil Code, 1960.

Labour Relations Proclamation, 1963 (*Negarit Gazeta*, 1 Nov. 1963).

Article 1 of the Convention. This is a formal requirement.

Article 2. Article 47 of the Constitution, as revised in 1955, accords to every Ethiopian subject the "right to any occupation, and to that end to form or join associations in accordance with the law". Section 20 of the Labour Relations Proclamation, 1963, provides that employers and employees may establish and join employers' associations and labour unions respectively. These organisations may engage in all lawful activities when registered by the Ministry of National Community Development. In order to be registered an organisation must file with the Ministry (a) two copies of its constitution, by-laws and any other documents governing the rights and duties of its members or the administration and procedure of the organisations; (b) two copies of a list of the names and addresses of the members of the organisation; (c) two copies of a list naming the persons who organised or acted as founding members of the organisation; (d) two copies of a statement setting forth the initiation and membership fees and assessments and any other financial contribution required from members; (e) two copies of a list of the names and addresses of the officers of the organisation.

Article 3. Employers' and workers' organisations are free to draw up their constitutions and rules, elect their representatives, arrange their administration and activities and formulate their programmes. No legislation restricts this freedom and the public authorities in no way interfere. But if the Minister finds the documents filed to be "incomplete, inadequate or in violation of any provisions of the Proclamation", he may refuse registration, giving his reasons therefor, or advise the organisation as to the right way in which to prepare the documents. If the Minister takes no action with respect to an application within 30 days, the organisation is deemed to be registered.

Article 4. The Minister cannot dissolve or suspend an organisation. Paragraph 3 of the Proclamation empowers him to petition the courts to dissolve an organisation in accordance with section 461 of the Civil Code, 1960; this section provides that an association shall be dissolved by the court on application of its management committee or of 20 per cent. of its members, or when its membership falls to such an extent that it cannot appoint a management committee, or if its objectives have been attained, or if it pursues purposes other than those defined in its rules, or if it has become insolvent.

GREECE (First Report)

Constitution (article 11).

Act No. 2151 of 1920.

Special Act No. 1803 of 1951 respecting the protection of trade union leaders (*Ephemeris tēs Kyvernesseos* (E.K.), Part I, 28 Apr. 1951, No. 126, p. 2).

Legislative Decree No. 4361 of 1964 to modify and complete certain provisions governing trade unions (E.K., Part I, 2 Sep. 1964, p. 729).

Greece having ratified the Convention, the provisions thereof have acquired the force of law.

Under article 11 of the Constitution Greeks have the right to establish organisations on the sole condition that they conform to the provisions of the national legislation, which can in no case subordinate this right to prior government authorisation. Under Act No. 1803 of 1951 trade union leaders cannot be dismissed from their employment on account of their trade union activities. National legislation was recently adapted to the provisions of the Convention by the approval of Legislative Decree No. 4361 of 1964.

In order to establish an organisation, workers or employers must make sure that the following conditions are met: the organisation must comprise at least 20 persons; it must not be run for purposes of profit; it must be registered with the court of first instance of the place where it has its headquarters. The legislation does not lay down special conditions for the establishment of organisations of public officials. Under the law the statutes of the organisations must include certain specified information (objectives, headquarters, conditions of membership, method of representation, dissolution, etc.).

Organisations may be dissolved by decision of the general assembly in circumstances specified in the statutes or if the number of members has fallen below ten. They may also, in certain circumstances determined by the law, be dissolved by a decision of a court of first instance, on the demand of the governing body, or of one-fifth of the members, or of the competent public authority. An appeal may be made to the court of appeal against the judgment of the court of first instance.

Workers' and employers' organisations may affiliate to international occupational organisations.

The legislative provisions relating to the establishment, functioning and dissolution of occupational organisations are applicable to federations and confederations.

Occupational organisations acquire legal personality through registration with the court of first instance. Acquisition of legal personality is indispensable for recognition of the organisation as a legal entity.

Rights guaranteed by the Convention may under special provisions be limited as regards members of the armed forces or the police.

National laws and regulations are applied in such a way as to assure workers, employers and their organisations of the rights guaranteed by the Convention. Trade union rights may be restricted only in case of danger to the safety of the State or of national necessity. Decree No. 4361 of 1964 repealed certain legislative provisions which allowed the administration to intervene in the management of occupational organisations and established the conditions necessary for the development of a free and democratic trade union movement completely in accord with the principles of the Convention.

HUNGARY

In reply to a direct request made by the Committee of Experts, the Government has stated that the Committee's understanding of the situation in Hungary is quite correct: there are two categories of employers' and workers' organisations. This situation has prevailed for many decades and is based on national traditions. The establishment and development of the different organisations has been influenced by these traditions, which are universally known in Hungary; and the preservation of different names for these organisations derives directly from a belief in tradition and makes it impossible to group them all under the name of "trade unions".

The Government has also stated that the right of heads of undertakings to organise is governed by the rules which apply to all wage earners.

The Government attached to its report the text of Decision No. 21205 of 1962 and the text of a decree respecting the publication of legislative texts now in force.

LIBERIA

In reply to a direct request made by the Committee of Experts, the Government has stated that upon opinion of counsel such provisions as are contained in Title 4 of the Association Law in the Liberian Code of Laws do not apply in any manner to organisations of workers or employers as envisaged by the Convention. The provisions governing labour organisations have been published as Part VI of the Labour Practices Law under the title of "Labour Organisations" and may be found on page 83 of the Handbook of Labour Laws of the Republic of Liberia (a copy of the handbook was attached to the Government's report).

Articles 1 and 2 of the Convention. The right of free association and organisation as established by the Convention has been incorporated verbatim in Part VI of the Labour Practices Law (Chapter 45, section 4600). The formation of workers' organisations is now governed by the following chapters of Part VI of the Law: Chapter 40 (labour organisations; regulation of internal affairs); Chapter 41 (liability of labour organisations); and Chapter 45 (general).

These chapters do not limit the right of association and organisation but establish rules to guarantee that workers' organisations are established and run on a democratic basis. Safeguards are provided to ensure fairness in elections and to prevent employer control of such organisations.

The only special provision relating to specified categories of workers is contained in section 4506 (strikes against the Government), which forbids officers or employees of the Government to strike or to be a member of any labour organisation which asserts the right to strike against the Government. There is no general prohibition on membership in labour organisations by government employees.

Article 3. There are no limitations on the objects workers' or employers' organisations may pursue. There are, however, certain formal requirements as to workers' organisations' constitutions and by-laws outlined in the aforementioned Part VI, particularly Chapters 40, 41 and 45. These rules do not restrict in any way the right of free associations to ensure that the constitutions and by-laws contain adequate provisions for full democratic control of the organisation by the membership.

Article 4. There is no legislation providing for the suspension or dissolution of workers' or employers' organisations.

Article 5. There are no specific laws providing for the establishment of federations and their right to affiliate with international organisations, other than the Convention itself.

Article 6. The definition of "labour organisation" in Part VI of the Labour Practices Law includes "any organisation of any kind" so that the general rules applying to all labour organisations apply to federations. The only variations are as regards the exemption of federations from the requirement of triennial elections of officers (section 4102, paragraph 1) and as regards the electoral publicity requirements of section 4102, paragraph 4.

Article 7. Acquisition of legal status by workers' or employers' organisations is not restricted. Section 4200 of the Labour Practices Law provides that labour organisations shall be legal entities. The acquisition of legal status is automatic for labour organisations. It is not automatic for employers' organisations but depends on whether they are recognised as bodies corporate or not. Under the provisions of Chapter 41 there is no need for a labour organisation to apply for such recognition.

Article 8. Provisions contained in the various chapters of Part VI of the Labour Practices Law govern the conduct of workers' and employers' organisations. They

do not restrict the workers' and employers' right of association and organisation but provide orderly means for the achievement of industrial peace.

Article 9. There is no specific legislation indicating to what extent the Convention shall apply to the police or armed forces.

MALI

Act No. 61-67/AN-RM of 15 May 1961 to establish public servants' regulations.

In reply to the request made by the Committee of Experts that the Government should send texts applicable to public officials in the field covered by the Convention, the Government has referred to the text of Act No. 61-67/AN-RM of 15 May 1961 to establish public servants' regulations (section 7).

PAKISTAN

In reply to an observation made by the Committee of Experts the Government has stated that the Establishment Division's Notification No. 6/1/48/EST(SE) of 30 August 1948 is expected to be amended shortly with a view to bringing the existing rules of recognition of the associations of government employees into conformity with the Convention.

PHILIPPINES

In reply to an observation made by the Committee of Experts, the Government has stated that it is rewarding to note that there is pending for second reading in the Fifth Congress of the Republic a Bill which would abolish the requirement for officers of labour unions to have non-subversive affidavits.

SENEGAL

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

Employers' and workers' organisations affiliated to international organisations do not thereby acquire the character of foreign associations.

The prohibition to form foreign associations without prior authorisation from the Ministry for Internal Affairs, contained in the Act of 1 July 1901, refers only to foreign associations which it is desired to constitute within the national territory. Since the National Union of Senegalese Workers is not considered a foreign association, it was constituted freely, subject to the formalities required by the Labour Code.

The authorities have never had recourse to Order No. 4970 of 29 August 1960 in order to prohibit trade union meetings from being held in any place whatsoever.

The authorities have not made use of the power conferred on them by the Act of 20 August 1960 to close meeting places temporarily.

In reply to observations made by the Committee of Experts, the Government has pointed out that, when individual freedom or the safety of the State is not threatened, trade unions are never and will never be dissolved by administrative authority. This is the only commitment to which the Government can bind itself. In times of public disorder, the safety of any State—i.e. the safety of the legitimate Government—may require temporary restrictions to be placed on the freedom of individuals or associations through national laws and regulations. These are extreme measures called for in exceptional circumstances. Since the dissolution of the U.G.T.A.N. in 1960, trade union organisations in Senegal have enjoyed total freedom, whatever line they may follow, and will continue to do so for as long as public order is not threatened.

UPPER VOLTA

See under Convention No. 6.

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

Byelorussia, Cuba, Iceland, Mexico, Poland, Ukraine.

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	Malta	4. 1. 1965
Brazil	25. 4. 1957	Netherlands	7. 3. 1950
Bulgaria ¹	29. 12. 1949	New Zealand	3. 12. 1949
Canada	24. 8. 1950	Nigeria	16. 6. 1961
Central African Republic	9. 6. 1964	Norway	4. 7. 1949
Costa Rica	2. 6. 1960	Peru	6. 4. 1962
Cuba	29. 4. 1952	Philippines	29. 12. 1953
Cyprus	23. 9. 1960	Sierra Leone	13. 6. 1961
Czechoslovakia	12. 6. 1950	Singapore	25. 10. 1965
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.

BRAZIL

Act No. 4589 of 11 December 1964 to abolish the trade union dues committee and the trade union technical guidance committee and set up various bodies under the authority of the Ministry of Labour and Social Welfare, as well as to lay down other provisions.

In reply to an observation made by the Committee of Experts, the Government has supplied the following information.

The above-mentioned Act set up the National Department for Employment and Remuneration, the tasks of which include studying the over-all labour market situation, with particular reference to employment, unemployment and the supply of skilled labour; carrying out periodic studies on the country's labour force and organising the employment of workers in relation to the labour market situation; guiding, co-ordinating and supervising the employment services rendered by public and private offices; organising occupational registration throughout the country; and formulating government policy with respect to vocational training within the national territory in the light of labour market conditions and the prospects for economic and social development.

At the regional level, the functions of the department are carried out by the regional representatives of the Ministry of Labour.

COSTA RICA

In reply to a direct request made by the Committee of Experts in 1965, the Government has supplied the following information.

Up to the present time it has not been possible to set up local or regional employment offices.

The Advisory Committee for the National Employment Service provided for by Decree No. 11 of 30 September 1960 was effectively constituted, on a tripartite basis, by Decree No. 11 of 21 September 1962. It held nine sessions between 15 October 1962 and 30 May 1963 and then dissolved itself.

Since then no system of periodic collection of information on the labour market has been established.

Persons unable to find employment receive assistance from the Social Welfare Department. The National Employment Service co-operates with the department in deciding what action to take in the case of each unemployed person applying for assistance.

An attempt has been made, on a small scale, to organise vocational guidance at the National Apprenticeship Institute.

Officials of the National Employment Service are guided in their work by the National Employment Service handbook. New members of the staff are trained by established officials.

Where the establishment of private employment offices is authorised, they operate under the strict supervision of the National Employment Service.

CUBA

In reply to an observation and direct request made by the Committee of Experts in 1965, the Government has supplied the following information.

Articles 4 and 5 of the Convention. In a country with a planned economy the development of employment service policy constitutes a part of planning. The advisory bodies of undertakings in the different economic sectors carry out the functions envisaged in the Convention when they formulate their annual economic plans. Thus representatives of management and of workers participate directly in the development of the employment service.

The employment offices which operate within the co-ordination, implementation and inspection committees in each municipality are charged with employment service functions and the Ministry of Labour through its manpower department supervises the work of these units.

Employers in need of manpower and workers seeking employment are put in touch with each other by the above-mentioned employment offices.

ETHIOPIA (First Report)

Public Employment Service Order, 1962 (*Negarit Gazeta*, 21st Year, 5 Sep. 1962, No. 18).

Articles 1 and 2 of the Convention. The public employment service is under the direction and supervision of the Ministry of National Community Development. Its primary duty is to help persons seeking work to obtain employment in accordance with their individual desires and capabilities.

Article 3. Section 6 of the order provides that the service shall consist of a central employment office in Addis Ababa and provincial or local employment offices to be established by subsidiary legislation according to the needs of the employment situation. Six regional offices have been set up.

Article 4. Under section 8 of the order, the Ministry may set up an advisory employment committee in the central office. At the request of the head of the office, registered associations of employers and employees may nominate appropriate persons for membership of the advisory committee. The head of each employment office may establish such special committees as he deems necessary. At present there is an advisory committee in the central employment office composed of representatives of the Employers' Association, the Confederation of Ethiopian Labour Unions and other organisations interested in employment matters.

Article 6. Under section 11 of the order, the service is required to (a) study the employment situation and publish information on it; (b) recommend measures to meet difficulties in the employment field; (c) assist employers to find suitable manual and non-manual workers, assist persons able and willing to work to obtain appropriate employment, and provide facilities to bring together employers and persons seeking employment; (d) provide guidance with respect to vocational training and retraining; (e) assist handicapped persons by means of rehabilitation programmes; (f) co-operate with public and private bodies in economic planning to create additional employment, particularly in areas where unemployment raises special problems; (g) propose measures to facilitate the voluntary transfer of workers from one occupation to another or from one region to another, or to deal with the concentration of employment in urban areas; and (h) maintain records of employed persons, vacancies and unemployed persons. To improve the registration of applicants by occupation, the central employment office is preparing a national occupational classification system.

Article 8. The service is required to provide vocational guidance, particularly to young persons, and to assist in the implementation of vocational programmes, wherever feasible. The facilities needed to start such programmes are being surveyed with the help of an I.L.O. expert.

Article 9. The staff is composed of public servants, for whom the central office is responsible, subject to the provisions of the central recruiting agency and Public Service Order. The senior officers are graduates in the field of economics and business administration. Most of the staff received training by an I.L.O. expert before the office started work. In addition, some officials have participated in regional seminars and other study programmes arranged by the I.L.O. and other agencies.

Article 10. The central employment office is doing its best, through pamphlets and other media, to encourage workers and employers to use the service it provides.

Article 11. No private employment agency conducted with a view to profit exists in the country.

FRANCE

Act No. 63-1240 of 18 December 1963 respecting the National Employment Fund.

Article 6 of the Convention. The National Employment Fund has been established primarily to facilitate the occupational and geographical mobility of workers.

GHANA

In reply to a direct request made by the Committee of Experts, the Government has stated that all statutory instruments made under the Labour Registration Act, 1958, have been revoked.

Article 1 of the Convention. In a Labour Bill now under consideration it is proposed that all public employment centres should come within the ambit of the law.

Article 3. In addition to the permanent public employment centres, sub-centres or agents' offices have been established in all local council areas in order to bring the facilities of the service to the majority of the country's labour force.

Article 4. It has been proposed that advisory committees should be established in connection with each agent's office. The new Labour Bill will make further provision for the appointment of advisory committees at national and regional level.

Article 6, clause (a). It is proposed that the new Labour Bill should specify that the centres will assist both unemployed and employed persons in finding suitable employment; that, in registering applicants, it will take note of their occupational qualifications, experience and desires; that it will interview them and evaluate, if necessary, their physical and vocational capacity; and that it will assist them, where appropriate, to obtain vocational guidance, vocational training or retraining. In practice, these factors are already taken into consideration by the centres. When an applicant is not in possession of a labour registration book, one is issued to him without discrimination. The exclusion of certain types of employment from the scope of the Labour Registration Act, 1960, does not preclude employers from resorting to the centres to find suitable personnel to fill vacancies in these types of employment.

Clause (b). Where there is a shortage of applicants for a particular occupation, applicants in other occupations are interviewed and, if they have the physique and intelligence needed, and are willing to accept work in an occupation other than that for which they are registered, they are referred to the employers concerned, subject to the latter's approval. Geographical mobility is facilitated through a system of inter-office co-operation which applies in practice to employed persons seeking improved conditions as well as to unemployed persons. The proposed Labour Bill will make this clear. Temporary transfers of workers to meet maladjustments in supply and demand are also facilitated.

Clause (c). Administrative instructions provide that information should be collected on the probable evolution of the employment market and should be made widely available. The proposed Labour Bill provides that such information should be made available to employers' and workers' organisations as well as to the general public.

Clause (d). No measures are taken at present for the relief of the unemployed.

Article 9. Junior appointments in the civil service are made on the basis of examinations or through promotion from industrial establishments. Senior appointments are made through promotions within the Ministry of Labour. Comprehensive training courses are given to the staff.

GREECE

Circular No. 68807-21818 of 13 July 1965 of the Ministry of Labour respecting the organisation, terms of reference and functions of employment exchanges.

In reply to a direct request made by the Committee of Experts, the Government has indicated the number of permanent and supernumerary officials on the staff of employment exchanges. The staff of the employment service receive training at the employment exchanges through perusal of all the basic documents issued by the Ministry of Labour and the Employment and Unemployment Insurance Agency.

From time to time the workers' organisations concerned make observations relating either to the opening of new employment exchanges or to the recruitment of additional staff.

GUATEMALA

In reply to an observation made by the Committee of Experts in 1965, the Government has supplied the following information.

Article 3 of the Convention. In its budgetary proposals for the new financial year the Ministry of Labour and Social Welfare has made the necessary provision for the setting up of at least two local employment offices.

Article 4. The necessary advice is being sought with a view to the creation of the advisory board provided for in the decision whereby the present national employment service was established.

Article 9. The Ministry is now looking into the matter in order that all staff may be given training within the shortest possible time, and Guatemala would appreciate as much help as possible from the I.L.O. in this respect.

INDIA

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

Article 6, clause (a), of the Convention. The question of allowing foreigners eligible for employment to register at employment offices is under consideration by the Government.

Clause (b). Occupational mobility is encouraged through vocational guidance facilities available at nearly 160 employment offices. An attempt is made to direct applicants to occupations which offer better prospects; special training is advised where practicable. Additional measures have been taken to help in the quicker absorption of ex-military personnel in civilian employment.

Geographical mobility is facilitated by collecting and circulating to all local employment offices special monthly summaries of information about unfilled vacancies and applicants willing to accept employment in other areas. In addition, certain vacancies in central government establishments, in accordance with the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, are given wider circulation by advertisement in the press.

Temporary transfers of redundant workers from major development projects are facilitated by special on-site employment offices through which arrangements are made to interview persons becoming redundant with a view to selecting workers for new projects elsewhere.

Clause (d). Proposals for a scheme of unemployment insurance are currently under consideration by the Central Government.

Article 11. It is proposed to collect information regarding non-profit-making private employment agencies and their activities in different parts of the country with a view to arranging for effective co-operation with them.

ITALY

Article 4 of the Convention. In reply to an observation made by the Committee of Experts, the Government has stated that the studies with a view to amending the legislation on placement, within the framework of which account will be taken of the

principle of equal representation of employers and workers, have not yet been completed.

KENYA

Article 8 of the Convention. In February 1965 a special careers advice programme was launched by the employment service. This programme is connected with long-term policy for the progressive introduction of a full vocational guidance process.

LIBYA (First Report)

Labour Code, Royal Decree of 22 November 1962 (*Al-jarida al-rasmiya*, 24 Nov. 1962, No. 17) (L.S. 1962—Libya 1).

Article 1 of the Convention. There are at present 11 employment offices.

Article 2. These employment offices, located in the main cities, are placed under the authority of the Ministry of Labour and Social Affairs.

Article 6. The provisions of this Article are reproduced in section 7 of the Labour Code.

PHILIPPINES

Article 8 of the Convention. The "Service to Youth" programme, which deals with school drop-outs and new entrants to the labour force from public and private high schools, began as a test case in 1962 and has now become a regular part of employment service activities. The programme also serves local private firms in their recruiting and in-service training programmes.

SIERRA LEONE

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

The National Employment Service Advisory Committee held its first meeting in February 1965. Among items discussed were the establishment of a vocational guidance service and the quota system whereby an agreed number of the vacancies notified to the service are allotted to members of different unions.

The Government contemplates introducing a vocational guidance service for young persons. It is expected that heads of schools will be asked to appoint careers masters who, together with the vocational guidance counsellors, would guide young persons in the choice of occupations for which they are suited.

SINGAPORE

Article 3 of the Convention. A second branch employment exchange office has been opened to serve a new industrial area.

Article 4. A tripartite labour subcommittee of the State Consultative Council has been formed to act in an advisory capacity to the Minister of Labour.

Article 6, clause (a) (i). Vocational training or retraining is arranged, at their request, for applicants suffering from physical disabilities. Vocational guidance has been introduced for pupils in schools under the direction of the Ministry of Education and is being considered for adult applicants.

Clause (b) (i). Vocational training courses are now being offered to both employed workers and job seekers.

Clause (c). The compilation of titles for a national occupational classification system is being undertaken as a prerequisite for an employment market information service.

Clause (d). The Government is actively considering the introduction of a limited form of unemployment insurance.

Article 8. The employment exchange keeps a separate register for young persons between 14 and 18 years of age for placement purposes.

SPAIN

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

Articles 4 and 5 of the Convention. The duties of the district and provincial placement committees consist in advising the employment services on such labour problems as vocational training and rehabilitation and internal migratory movements, undertaking studies of employment trends, referring workers to available employment, and undertaking studies for the possible development of employment. The competent chief of department is now studying the question of expanding the functions of the provincial and district placement committees and the question of creating a joint central employment committee or board which would act on a national basis.

SYRIAN ARAB REPUBLIC

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

Article 1, paragraph 1, of the Convention. It has not been necessary to take any measures to prohibit the receipt of a fee from the employer in return for the placement of an unemployed person in a job, the case never having arisen up to now.

Article 4, paragraphs 1 and 2. As a preliminary to setting up advisory committees, the Government has established technical agencies to interview job applicants and assess their capabilities.

Paragraph 3. The employers' and workers' organisations will be consulted concerning the appointment of their representatives on the advisory committees.

Article 6, clause (a). At the present stage in the country's economic development the main task is to find work for the unemployed. Employers may draw on the services of the recruitment offices to find workers covered by the provisions of section 20 of the Labour Code.

Clauses (b) to (e). At the present stage of development it is not possible to give effect to these clauses.

Article 7, clause (a). At present it is not possible to introduce specialisation by occupations and by industries.

Clause (b). Provided that the necessary funds are made available in the budget, it is planned to open an institution for the rehabilitation of the disabled in 1966.

Article 8. At the present stage it is not possible to make special arrangements for juveniles.

Article 9. Where needed, further training is provided for the staff of the employment service.

Article 10. Employers' and workers' organisations co-operate with a view to deriving the maximum benefit from the facilities offered by the employment service.

TANZANIA

Tanganyika

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

Article 3 of the Convention. The development plan for 1964-69 provides for the building of at least 12 new labour and employment offices during the period covered.

Article 6, clause (c). The plan requires the Government to make estimates of employment changes by industrial sector and of the demand for occupations requiring a secondary or higher educational level. A "careers guide" was prepared for the 150 high- and middle-level occupations existing in Tanzania, giving the educational and training requirements and a forecast of future demand. With assistance provided by the Ford Foundation, a labour force survey has been undertaken; this will provide useful data on the size and composition of the labour force and the extent of under-employment in both rural and urban areas. From information which will become available following the establishment of a national provident fund scheme, it should be possible to initiate a monthly or quarterly employment trend series. Work has been started on the development of a national job dictionary based on the *International Standard Classification of Occupations*; this will facilitate reporting on the employment market situation.

Clause (e). The gradual extension of the employment service to more remote areas will assist in the mobility of labour and will ensure wider dissemination of information concerning job opportunities.

UNITED ARAB REPUBLIC

Articles 4 and 5 of the Convention. Ministerial Orders Nos. 108, 109 and 110 issued in 1961 have established an advisory system for manpower at all levels.

Article 6. The handbook on manpower activities describes in detail the working methods of manpower offices.

* * *

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, Canada, Cyprus, Costa Rica, Cuba, Czechoslovakia, France, Federal Republic of Germany, Ghana, Greece, Guatemala, India, Iraq, Israel, Italy, Japan, Kenya, Luxembourg, Malta, Netherlands, New Zealand, Nigeria, Norway, Philippines, Sierra Leone, Singapore, Sweden, Switzerland, Syrian Arab Republic, Tanzania (Tanganyika), Turkey, United Kingdom.

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	Luxembourg	3. 3. 1958
Austria	5. 10. 1950	Malawi	22. 3. 1965
Belgium	1. 4. 1952	Malta	4. 1. 1965
Brazil	25. 4. 1957	Mauritania	8. 11. 1963
Burundi	11. 3. 1963	Netherlands	22. 10. 1954
Congo (Leopoldville)	20. 9. 1960	New Zealand	10. 11. 1950
Costa Rica	2. 6. 1960	Pakistan	14. 2. 1951
Cuba	29. 4. 1952	Philippines	29. 12. 1953
Cyprus	8. 10. 1965	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
Kenya	30. 11. 1965	Uruguay	18. 3. 1954
Kuwait	21. 9. 1961	Viet-Nam	26. 10. 1965
Lebanon	26. 7. 1962	Yugoslavia	20. 6. 1956
Libya	20. 6. 1962	Zambia	22. 2. 1965

AUSTRIA

For the Government's reply to observations made by the Committee of Experts, see *Report of the Committee* (1964), p. 590.

The Congress of Austrian Chambers of Labour and the Austrian Federation of Trade Unions have again stressed the urgent and absolute necessity for the adoption of new legislation in this connection in order to secure the application of the Convention before the next session of the International Labour Conference. According to information which was provided by the trade unions, and to which they intend to draw the attention of the labour inspectorate, night work is still performed by women in cleaning undertakings.

CONGO (LEOPOLDVILLE)

In reply to observations made by the Committee of Experts in 1965, the Government has stated that instructions have been given for the amendment of the legislation with a view to bringing it into conformity with the provisions of the Convention.

COSTA RICA

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that section 71 (e) of the Labour Code applies to cases where work is performed in connection with goods or materials subject to rapid deterioration. The competent authorities investigate the situation and hear the views of the employers' and workers' organisations before authorising, under section 88 of the Code, suspension of the prohibition of night work by women.

CZECHOSLOVAKIA

Labour Code, Act No. 65 of 16 June 1965 (*Sbírka Zákonů*, 30 June 1965, No. 32) (L.S. 1965—Cz. 1).

In reply to an observation made by the Committee of Experts concerning Article 2 of the Convention, the Government has stated that section 90 of the new Labour Code provides for an uninterrupted rest period of 12 hours between two shifts. Under section 151 the rest period for women must include the period between 10 p.m. and 6 a.m.

GUATEMALA

In reply to an observation made by the Committee of Experts in 1965, the Government has stated that sections 122 and 124 of the Labour Code are of a general nature, and that authorisations to suspend the prohibition of night work by women are governed by the specific provisions laid down in section 148 of the Code. Resolution No. 346 of 21 December 1960 has enumerated the categories of workers who are not subject to the limitations of hours of work prescribed in section 124 of the Labour Code.

KUWAIT

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that the Committee's comments will be taken into consideration.

LIBYA (First Report)

Labour Code, Royal Decree of 22 November 1962 (*Al-jarida al-rasmiya*, 24 Nov. 1962, No. 17) (L.S. 1962—Libya 1).

Section 32 (*d*) of the Code contains a provision similar to Article 3 of the Convention.

Section 32 (*e*) provides that "no woman shall in any circumstances be employed for more than 48 hours a week, including overtime".

The labour offices, inspection sections and staff of the Ministry of Labour and Social Affairs are entrusted with the application of the legislation.

All working women are covered by the labour legislation as well as by the provisions of the Convention. Section 32, paragraph 6, of the Code authorises exceptions in case of emergency, as well as in respect of workers holding supervisory, executive posts and of guards or city cleaners.

MAURITANIA (First Report)

Labour Code, Act No. 63-023 of 23 January 1963 (*Journal officiel de la République islamique de la Mauritanie*, 20 Feb. 1963, No. 106) (L.S. 1963—Mau. 1).

Article 1 of the Convention. The scope of the Code corresponds to the provisions of the Convention.

Article 2. The legislation is in conformity with the provisions of this Article.

Article 4. Exceptions may be specially authorised on 15 nights a year, but in fact no application for such authorisation has been received.

Articles 5 to 7 and Article 9. The provisions of these Articles are not applied, by the legislation.

Article 8. Clause (*b*) is reproduced in Book II, section 13, of the Labour¹ Code.

Very few women are employed in industrial undertakings and then only in health services. No difficulty, therefore, is raised by the inspection of night work of women.

Supervision of the enforcement of the legislation is the responsibility of the labour inspection service.

NETHERLANDS

See under Convention No. 90.

RWANDA

See under Convention No. 4.

SENEGAL (First Report)

Labour Code, Act No. 61-34 of 15 June 1961 (*Journal officiel de la République du Sénégal (J.o.R.S.)*, 3 July 1961, No. 3462, Extraordinary) (*L.S.* 1962—Sen. 2).

Order No. 804/AP of 21 February 1947 (*Journal officiel de l'Afrique occidentale française (J.o.A.o.f.)*, 1 Mar. 1947).

Order No. 5254/IGTLS/AOF of 19 July 1954 respecting the work of women and pregnant women (*J.o.A.o.f.*, 31 July 1954).

Decree No. 62-017 PC/MFPT/DGTSS/TMO of 22 January 1962 concerning infringements of the provisions of the Labour Code and of the implementing regulations (*J.o.R.S.*, 10 Feb. 1962).

Article 1 of the Convention. The order of 21 February 1947 defines the different types of undertakings, establishments and other collective enterprises in the various economic sectors.

Article 2. The definition of the term "night" is uniform in all regions and in all sectors.

Article 3. The term "women" means all female persons.

Articles 4 and 5. The exceptions permitted in these Articles have not so far been made use of.

Articles 6 and 7. The night period is fixed without exception as lasting from 10 p.m. to 5 a.m.

Article 8. This Article is without point in Senegal.

The labour and social security departments are responsible for supervising the enforcement of the labour laws and regulations and must visit each establishment at least once a year.

In Senegal women do not work at night in industry.

SPAIN

See under Convention No. 4.

SWITZERLAND

See under Convention No. 6.

SYRIAN ARAB REPUBLIC

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that new legislation will be framed in order to ensure that, on changing shift, women workers have a night rest period of at least 11 hours, as required by the Convention.

YUGOSLAVIA

Act of 4 April 1965 respecting employment relationships (*Službeni List (S.L.)*, 7 Apr. 1965, No. 17, Text No. 352, as corrected in *S.L.*, 5 May 1965, No. 21, p. 982) (*L.S.* 1965—Yug. 4).

Article 1 of the Convention. Sections 53 and 59 of the Employment Relationships Act prohibit night work by women for a period of 12 consecutive hours between

10 p.m. and 7 a.m. The term "worker" means all members of the economically active community in any undertaking, including private employees.

Article 4. Section 53, paragraph 2, of the Act authorises undertakings to permit night work by women when this is necessary to preserve raw materials or materials subject to deterioration from certain loss or in cases of *force majeure* when there occurs in any undertaking an interruption of work which it was impossible to foresee and which is not of a recurring character.

Article 5. Section 53, paragraph 3, of the Act prescribes that an undertaking may assign a woman to night work in cases of serious emergency when public, social and economic interests demand it, subject to approval by the competent services, as well as by the council of the trade union concerned and the Federal Economic Chamber. This section and the general statutory prohibition of night work exclude the possibility of exceptions on any other grounds. The number of women employed on night shift in industry and construction under temporary permits was 28,700 in 1963 and 37,363 in 1964. The exceptional employment of women on night shift during the period under review resulted mainly from structural occupational problems caused, for example, by the rapid inflow of women from the countryside. The greatest number of temporary permits was granted in the textile industry (21,557 in 1963, 27,999 in 1964 and 27,779 in 1965). Strict adherence to the prohibition of night work by women would result in a decrease in production and in loss of employment for women. The solution of the problem lies in a long term programme of vocational training and diversification of the economy of particular regions, so as to provide new possibilities for employment on jobs which do not require night shift work. Requests for night work by women are generally granted only in essential industries, e.g. spinning mills and textile plants, wood and electrical industries. The competent labour services of the republics have not issued permits without the consent of the councils of the trade unions concerned. Consultation with the labour inspectorate is compulsory; permission is not granted if the relevant conditions are not fulfilled.

Article 6. The Act permits the employment of women at night exceptionally in undertakings engaged in seasonal work; a daily rest period of at least ten hours is then required. In accordance with the provisions of this Article women workers may not be employed on night work in such cases for more than 60 days in the year.

Article 7. The provisions of this Article are inapplicable.

Article 8. The prohibition of night work does not apply to managerial personnel and to health and social services.

Supervision of the application of the legislation is entrusted to labour inspection bodies.

The trade unions have emphasised the special importance of satisfactory working conditions where night work is to be performed by women. They insist that the opinion of the labour inspectorate and the health services on the adequacy of the conditions of work is obtained in advance. The first workers to be employed are those who have volunteered for night work, and may not be women with small children or in poor health, etc. The trade unions ensure that the duration of night shifts is as short as possible; transportation facilities are provided in a number of undertakings.

In some cases the trade unions have refused to agree to night work by women because of the inadequacy of conditions 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:

Austria, Belgium, Congo (Leopoldville), Costa Rica, Czechoslovakia, France, Greece, Guatemala, India, Ireland, Kuwait, Libya, Mauritania, Netherlands, New Zealand, Pakistan, Philippines, Rumania, Rwanda, Senegal, Spain, Switzerland, Syrian Arab Republic, United Arab Republic, Yugoslavia.

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

Brazil, Cuba, Ghana, Italy, Luxembourg, Tunisia.

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
Cyprus	8. 10. 1965	Norway	20. 5. 1957
Czechoslovakia	12. 6. 1950	Pakistan	14. 2. 1951
Dominican Republic	12. 8. 1957	Peru	4. 4. 1962
Ghana	4. 4. 1961	Philippines	29. 12. 1953
Greece	30. 3. 1962	Tunisia	26. 4. 1961
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
India	27. 2. 1950	Uruguay	18. 3. 1954
Israel	23. 12. 1953	Yugoslavia	20. 2. 1957
Italy	22. 10. 1952		

ARGENTINA

In reply to a direct request made by the Committee of Experts, the Government has stated that the provisions of Article 6, paragraph 1 (*a*), of the Convention are applied by the publication of the relevant legislation. Moreover, the main provisions for the protection of young workers are printed in their work book delivered by the competent services in application of Act No. 12921 (Title LXXVI, section 61).

Reference is also made to the information provided in respect of Convention No. 79.

CZECHOSLOVAKIA

Labour Code, Act No. 65 of 16 June 1965 (*Sbirka Zákonů*, 30 June 1965, No. 32) (*L.S.* 1965—Cz. 1).

In reply to an observation made by the Committee of Experts, the Government has supplied the following information.

Section 274, paragraph 2, of the Labour Code lays down that young workers are those who have not reached the age of 18 years.

Section 90, paragraph 1, provides that undertakings must fix hours of work so that workers have an uninterrupted rest period of at least 12 hours. No exception is permitted in the case of young workers.

Section 166 of the Code prohibits the employment of young persons on night work, which is defined in section 99 as work performed between 10 p.m. and 7 a.m. There is no exception to this prohibition.

Section 279 annuls Act No. 177 of 1946 governing hours of work in bakeries, which are thus brought under the provisions of the new Code.

GREECE (First Report)

Legislative Decree No. 4215 of 1961 to ratify the Night Work of Young Persons (Industry) Convention (Revised), 1948.

Legislative Decree No. 448 of 30 June 1962 (*Ephemeris tēs Kyverneseos*, 21 July 1962, No. 107).

Article 2 of the Convention. Section 266 of the draft Labour Code provides that young persons between the ages of 16 and 18 years may be authorised to work up to 11 p.m. and that the night rest period may be restricted to ten hours in undertakings where exceptional work is done at certain times of the year.

Article 3. Ministry of Labour Order No. 20023 of 1954 respecting work in bakeries is still in force.

The enforcement of the relevant legislation is entrusted to the labour inspection services.

MAURITANIA (First Report)

Labour Code, Act No. 63-023 of 23 January 1963 (*Journal officiel de la République islamique de la Mauritanie*, 20 Feb. 1963, No. 106) (L.S. 1963—Mau. 1).

Article 1 of the Convention. The legislation does not provide for the application of this Article.

Article 2. The minimum duration of night rest laid down by the Code is 11 consecutive hours and must include the interval between 10 p.m. and 5 a.m.

Articles 3 to 5. The legislation does not provide for the application of these Articles.

A Bill to amend sections 9 to 11 of Book II of the Labour Code to bring them into harmony with the provisions of the Convention is now under consideration.

Supervision of the enforcement of the legislation is entrusted to the inspection service.

MEXICO

In reply to an observation made by the Committee of Experts, the Government has stated that, with a view to dissipating any doubts which the Committee may harbour with regard to the effective application of the Convention in Mexico, due to the great diversity of the country's labour legislation, it intends to make public the terms of the Convention (which by virtue of article 133 of the Constitution has become an integral part of the national legislation) by incorporating a note in section 68 of the Federal Labour Act to indicate that the provisions of Article 2, paragraph 1, of the Convention have acquired the force of law in Mexico.

NETHERLANDS

In reply to an observation made by the Committee of Experts in 1964, the Government has stated that an amendment to the Labour Act is being drafted in order to bring section 83, paragraph 7, of the Act more closely into line with Conventions Nos. 89 and 90.

PAKISTAN

East Pakistan Factories Act, No. IV of 5 August 1965 (*The Dacca Gazette*, 1 Sep. 1965, Extraordinary).

In reply to observations made by the Committee of Experts, the Government has stated that the provisions of the above-mentioned Act, which have replaced the Factories Act, 1934, meet the requirements of the Convention.

With a view to bringing the legislation in West Pakistan into line with the Convention, the Factories Act, 1934, will be replaced shortly by a provincial law. The Employment of Children Rules, 1955, and the Consolidated Mines Rules, 1952, are also being revised in line with the Convention.

PERU

See under Convention No. 79.

TUNISIA

In reply to a direct request made by the Committee of Experts in 1964 concerning Article 6, clause (e), of the Convention, the Government has stated that section 73 of the draft Labour Code takes account of the Committee's observations.

YUGOSLAVIA

Act of 4 April 1965 respecting the protection of labour (*Službeni List (S.L.)*, 5 Apr. 1965, No. 15, Text No. 314, as corrected in *S.L.*, 30 June 1965, No. 29, p. 1179) (*L.S.* 1965—Yug. 3).

Act of 4 April 1965 respecting the records to be kept in matters relating to work (*S.L.*, 5 Apr. 1965, No. 15, Text No. 315).

Act of 4 April 1965 respecting employment relationships (*S.L.*, 7 Apr. 1965, No. 17, Text No. 352, as corrected in *S.L.*, 5 May 1965, No. 21, p. 982) (*L.S.* 1965—Yug. 4).

Articles 1 and 2 of the Convention. The Act respecting employment relationships prescribes that young persons under the age of 18 years employed in industry, building and transport may not work between 10 p.m. and 6 a.m. It also guarantees at least 12 consecutive hours' nightly rest between two working days, which may exceptionally be reduced to ten hours in the case of workers employed in undertakings of a seasonal nature. However, such workers enjoy a nightly rest period of at least 12 hours by virtue of the Convention, which, according to the provisions of the federal Constitution, has acquired the force of national law.

Articles 3 to 5. Workers who have completed their seventeenth year may exceptionally be assigned to night work in case of emergency (*force majeure*). However, night work may be performed by young persons only with the permission of the competent authority after consultation with the trade union concerned and the Federal Economic Chamber. The employment of young persons on night work for the purpose of apprenticeship or vocational training is permitted only when it is practically impossible to ensure such training by means of day work. At least 13 hours' nightly rest is then guaranteed by the vocational training rules respecting working hours.

Article 6. In pursuance of the principles of social self-management, all members of the working community must be acquainted with the provisions of the law governing their conditions of work. The law places a binding commitment on undertakings to inform all new workers of the rules of the undertaking.

Enforcement of the legal provisions is entrusted to the management of undertakings. Supervision of the enforcement of those provisions is the responsibility of the labour inspectorate.

* * *

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

Argentina, Byelorussia, Czechoslovakia, Ghana, Greece, India, Israel, Italy, Ivory Coast, Luxembourg, Mauritania, Mexico, Netherlands, Pakistan, Peru, Tunisia, Ukraine, U.S.S.R., Yugoslavia.

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

Ceylon, Cuba, Guatemala, Norway, Philippines.

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

BELGIUM

In reply to a direct request made by the Committee of Experts in 1965, the Government has provided the following information.

Article 2, clause (a), of the Convention. Sections 1 to 3 of the royal order of 12 December 1957 issuing regulations for maritime inspection, and paragraph 1 of Annex XVI to that order, give a definition of the term "vessel".

Clause (b). A "ton" equals 2.83 cubic metres.

Clause (c). The term "passenger ship" means a ship which transports more than 12 passengers.

Clause (d). The term "officer" means all persons ranking as officers according to the relevant collective agreements.

Clause (e). The term "rating" has the meaning given to it in the Convention.

Clause (f). The term "petty officer" applies to all persons so designated in the relevant collective agreements or by custom.

Clauses (g) to (j). The terms "crew accommodation", "prescribed", "approved" and "new registration" have the meaning given to them in the Convention.

Article 3, paragraph 2 (a). The regulations respecting maritime inspection are contained in a royal order published in the *Moniteur belge* of 20 December 1957 and as such are deemed to be known to all Belgians. Furthermore, the master is bound to ensure that a copy of these regulations is kept on board ship (section 153 of the royal order).

Paragraph 2 (b). The relevant legislation is enforced by the maritime inspection service, consular officials and experts of classification firms recognised by national regulations. Supervision is ensured on a permanent basis.

Paragraph 2 (c). Violations of the regulations respecting maritime inspection come under the system of penalties envisaged in sections 25 to 35 of the consolidated text of the Act respecting the safety of vessels of 25 August 1920, as amended by section 10 of the Act of 30 July 1926.

Paragraph 2 (d). The inspection system is organised under sections 18 *et seq.* of the royal order of 12 December 1957, by the above-mentioned legislation and by paragraphs 3 *et seq.* of the maritime inspection regulations.

Paragraph 2 (e). Organisations which are recognised as *bona fide* associations of shipowners and seafarers are always consulted, both with regard to the framing of

regulations and with a view to their collaboration in the implementation of measures concerning crew accommodation.

Article 5, clauses (a) and (b). The inspection of crew accommodation is undertaken within the framework of general inspection visits of the ship (paragraphs 4 and 6 of the maritime inspection regulations).

Clause (c). Section 17 of the Act of 25 August 1920 stipulates that "the crew may at all times have recourse to the inspection service or to a Belgian consul if it considers that the ship does not provide adequate conditions. The head of the inspection service or the consul is bound to hear the crew." In practice, complaints are submitted to the competent authority by the seafarers' unions.

Article 6, paragraph 6. The provisions of the Convention are not expressly reproduced in national regulations, but equivalent provisions are contained in paragraph 3, subparagraph 1, of the aforementioned Annex XVI to the royal order of 12 December 1957.

Paragraph 8. Measures concerning fire are contained in paragraphs 42 and 152 of the maritime inspection regulations and in paragraph 5, subparagraph 4, of Annex XVI.

Paragraph 10. The provisions of paragraph 3, subparagraph 4, of Annex XVI may be considered as being equivalent to the provisions of the Convention.

Article 10, paragraph 1. The provision of sleeping space is dealt with under paragraph 7, subparagraph 1, of Annex XVI.

Paragraph 2. Exemptions are provided for under paragraphs 6 and 7, subparagraph 1, of Annex XVI.

Paragraph 26. The regulations do not expressly stipulate that sleeping rooms shall be fitted with curtains for sidelights, but these are normally provided in all Belgian ships.

Article 11, paragraph 3. A single mess room for petty officers and ratings (lower deck) is provided for in paragraph 8, subparagraph 1, of Annex XVI in order to avoid making any distinction or causing friction among the crew—an attitude with which the shipowners' and seafarers' unions fully concur.

Article 13, paragraph 2. Paragraph 10, subparagraph 1 (iv), of Annex XVI provides for one less water closet than the Convention, in application of the exceptions provided for under Article 1, paragraph 5, thereof and in pursuance of consultations with the shipowners' and seafarers' organisations.

Article 14, paragraph 1. According to paragraph 11, subparagraph 1, of Annex XVI, separate hospital accommodation is provided only if the ship carries a crew of 20 or more, on the same grounds as described in Article 13.

Paragraph 4. The number of hospital berths required has not yet been fixed, but in practice these are found to be adequate (see under Article 13).

Paragraph 7. The provisions of paragraph 75 of the maritime inspection regulations and Annex XVI relate to medical supplies to be carried.

Article 15, paragraph 2. This provision of the Convention is not embodied in the national regulations (see under Article 13).

Article 17. The maintenance of accommodation in proper condition and its inspection are dealt with in paragraph 133 of the maritime inspection regulations.

BRAZIL

The Government has decided to set up a committee, composed of representatives of all the interested parties, to prepare an amendment to paragraph 7 (c) of the regula-

tions approved by Decree No. 46130 of 2 June 1959, in order to bring it into line with Article 5, clause (c), of the Convention, as recommended by the Committee of Experts in many previous direct requests.

COSTA RICA

In reply to a request made by the Committee of Experts concerning the adoption of legislation for the application of the Convention, the Government has stated that, according to article 121, paragraph 4, and article 124 of the Constitution, all ratified Conventions acquire the force of law, so that the provisions of the Convention have become applicable by virtue of its having been ratified.

CUBA

In reply to observations made by the Committee of Experts, the Government has stated that no laws or regulations have been enacted specifically applying the provisions of the Convention. However, on 8 September 1964 "general principles concerning the organisation of safety and health protection" were adopted and, on that basis, regulations will be issued for each economic sector concerned.

Reference is also made to the information provided in the *Report of the Committee* (1964), p. 676.

POLAND

In reply to requests made by the Committee of Experts, the Government has stated that detailed provisions concerning the accommodation of crews on board ship are being worked out, that their enactment is scheduled for 1968 and that they fully comply with the requirements of the Convention.

PORTUGAL

The provisions of the Convention have acquired the force of law in Portugal through the promulgation of Legislative Decree No. 43026 of 23 June 1960 (*Diário do Governo*, 1960, No. 144). More detailed regulations were subsequently drawn up and sent to the various bodies concerned and are now ready for publication. As soon as they are published, they will be sent to the Minister for Overseas Territories for implementation in all the overseas provinces.

UNITED KINGDOM

Merchant Shipping (Crew Accommodation) (Amendment) Regulations, 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:

Finland, Norway.

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

Denmark, France, Ireland, Netherlands, Sweden.

94. Labour Clauses (Public Contracts) Convention, 1949

This Convention came into force on 20 September 1952

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Jamaica	26. 12. 1962
Austria	10. 11. 1951	Kenya	13. 1. 1964
Belgium	13. 10. 1952	Malaysia (Sabah, Sarawak)	3. 3. 1964
Brazil	18. 6. 1965	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	Singapore	25. 10. 1965
Costa Rica	2. 6. 1960	Somalia (ex-British Somaliland)	18. 11. 1960
Cuba	29. 4. 1952	Syrian Arab Republic	7. 6. 1957
Cyprus	23. 9. 1960	Tanzania:	
Denmark	15. 8. 1955	Tanganyika	30. 1. 1962
Finland	22. 12. 1951	Zanzibar	22. 6. 1964
France	20. 9. 1951	Turkey	29. 3. 1961
Ghana	4. 4. 1961	Uganda	4. 6. 1963
Guatemala	13. 2. 1952	United Arab Republic	26. 7. 1960
Israel	30. 3. 1953	United Kingdom	30. 6. 1950
Italy	22. 10. 1952	Uruguay	18. 3. 1954

AUSTRIA

As regards the orders issued by various federal Ministries in application of the directives of 18 June 1963 of the Council of Ministers respecting the insertion of labour clauses in public contracts, see *Report of the Committee* (1964), p. 676.

In reply to the direct request made by the Committee of Experts in 1964 concerning the application of Article 4, clause (b), of the Convention, the Government has stated that the application of the provisions in question is ensured by the Tax Act of 1954 and the General Social Insurance Act of 1955, which make it compulsory to keep adequate records of wages paid, and by the Labour Inspection Act of 1956, which set up an inspection system for the enforcement of the labour legislation.

As regards Article 5, paragraph 2, of the Convention, the Government has stated that a joint proposal in this respect is formulated by the parties to the collective contract, namely the employers' and workers' organisations.

In its comments the Council of the Austrian Federation of Trade Unions has pointed out that the Convention has not been given sufficient effect at the provincial level and that, to its knowledge, few provinces have obeyed the directives of the Council of Ministers.

On this point the Government has stressed that an endeavour is being made to secure, as soon as possible, the application of the directives of the Council of Ministers by all the provincial and local authorities.

BELGIUM

Act of 4 March 1963 respecting public contracts (*Moniteur belge* (M.b.), 3 Apr. 1963).

Royal Order of 14 October 1964 to implement the Act of 4 March 1963 respecting public contracts (M.b., 17 Oct. 1964).

Ministerial Order of 14 October 1964 relating to the contractual, administrative and technical clauses required to be included in public contracts (*M.b.*, 17 Oct. 1964).

In reply to an observation made by the Committee of Experts, the Government has indicated that, by virtue of section 36 of the ministerial order of 14 October 1964, the general bases of remuneration and working conditions contained in collective agreements drawn up by the competent joint national committees are applicable to persons employed on public work sites, even if those collective agreements have not been given the force of law by a royal order.

CAMEROON

Western Cameroon

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

Articles 1 and 2 of the Convention. The fair wages clause inserted in all government contracts provides that the contractor (as well as sub-contractors) must observe rates of wages not less favourable than those enjoyed by workmen of similar trade employed by the division concerned of the Public Works Department. In practice, conditions of employment of higher echelon personnel are not affected.

Article 3. These provisions are applied by the Labour Code Ordinance and the Factories Ordinance.

Article 4. The employer must keep records which may be examined by a labour officer. Notices are not in use.

Article 5. Any employer may be removed from the register of approved contractors for failure to observe the fair wages clause. Claims for unpaid wages once substantiated may be met by the withholding of money due under the contract.

Articles 7 and 8. Recourse is not had to these provisions of the Convention.

Eastern Cameroon

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

Article 2, paragraphs 1 and 2, and Article 5 of the Convention. It is not considered necessary to insert labour clauses in contracts for supplies and services in view of their limited nature.

Article 4, clause (a) (iii). Section 35 of the Overseas Labour Code requires the posting of internal rules in undertakings employing regularly more than 20 workers (50 in agriculture).

CONGO (LEOPOLDVILLE)

In reply to a direct request made by the Committee of Experts, the Government has stated that it intends to amend the legislation as soon as possible in order to bring it into harmony with the Convention.

COSTA RICA

In reply to a direct request made by the Committee of Experts, the Government has stated that amendments will be made to the Bill respecting labour clauses in public contracts in order to bring it into line with Articles 1 and 5 of the Convention.

CUBA

Private employers no longer exist under the present social and economic system. The protection of workers' rights provided for by the law applies to all state undertakings and public authorities without exception.

In reply to a direct request made by the Committee of Experts, the Government has added that no clause that in any way encroaches upon the protection of workers' rights may be inserted in administrative contracts for carrying out public works or services concluded with public authorities or bodies.

FRANCE

Public Contracts Code, Decree No. 64-729 of 17 July 1964 (*Journal officiel*, 21 July 1964) (sections 117 to 121).

GHANA

In reply to a direct request made by the Committee of Experts, the Government has stated that statutory provisions to give effect to the provisions of the Convention will soon be adopted, and that in practice labour clauses are inserted in public contracts by administrative arrangements.

GUATEMALA

In reply to a direct request made by the Committee of Experts, the Government has stated that the decision of 5 October 1962 repeals the decision of 5 June 1962 respecting labour clauses in public contracts, and supplements the decree of 7 March 1952 respecting administrative contracts by means of the provisions laid down in its section 2.

JAMAICA

Mining Law.

Public Health Law.

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

Article 1 of the Convention. Contracts not exceeding £2,000 and persons specified under paragraph 5 are not covered by the legislation.

Article 2. Conditions of employment applicable to public contracts must not be lower than the level established by the Joint Industrial Council for the Building and Construction Industry, and are required to be advertised in invitations for tenders.

Article 3. Clauses for the protection of the health and safety of workers are inserted in public contracts.

Article 4. The authority controlling each contract is responsible for the enforcement of the labour clauses, except in cases where the labour inspectorate is competent.

MALAYSIA

Sabah

Article 1, paragraph 4, of the Convention. In reply to a direct request made by the Committee of Experts in connection with the exemption limit of \$30,000, the Government has stated that a proposal to lower this limit has been postponed because of practical difficulties of enforcement.

Sarawak

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

Article 1, paragraph 1, of the Convention. Labour clause 21 of the Public Works Department General Conditions of Contract No. 75 (revised in May 1961) is applicable to all public contracts.

Article 3. The draft of a new Factory Act to be applied throughout Malaysia is under consideration.

Article 5. The provisions of this Article are applied by clause 35 of the above-mentioned General Conditions of Contract.

MAURITANIA (First Report)

Decree No. 65-049 of 25 February 1965 governing public contracts of all kinds (*Journal officiel de la République islamique de la Mauritanie*, 21 Apr. 1965, Nos. 157-158, p. 141).

Article 1 of the Convention. The provisions of the Convention are applied in respect of all public contracts with the exception of transactions not exceeding 500,000 C.F.A. francs (150,000 C.F.A. francs in the case of municipalities).

Article 2. Section 431 of the above-mentioned decree provides that the contractor is responsible for paying the wages and social insurance contributions of the persons actually employed in the execution of the work.

Article 3. The relevant provisions are those of the general legislation.

Article 7. No exceptions are provided for.

Article 8. No suspension is provided for.

Supervision of the enforcement of the relevant provisions is the responsibility of the technical service of the Ministry of Building, Public Works and Transport.

MOROCCO

In reply to a direct request made by the Committee of Experts, the Government has stated that draft regulations concerning public contracts will soon reach the final drafting stage. Consideration will be given to the question of whether it is desirable to incorporate a special clause concerning working hours in such contracts.

PHILIPPINES

In reply to observations made by the Committee of Experts, reference is made to the information provided in the *Report of the Committee* (1965), p. 591.

SYRIAN ARAB REPUBLIC

Working conditions in the case of work performed on behalf of a public authority are governed by the provisions of the Labour Code, as supplemented by the provisions of Law No. 385 of 28 April 1957 to ratify the Convention.

Any omissions or contradictions in the application of the provisions of the Convention are minor ones and are due to the fact that some ministries still adhere to out-of-date regulations. The Ministry of Labour and Social Welfare has pointed out the need to comply with the provisions of the Convention, with particular reference to the observations made by the Committee of Experts.

A copy of a letter sent to the Ministry of Public Works in this connection was attached to the Government's report.

TANZANIA

Tanganyika

In reply to a direct request made by the Committee of Experts, the Government has stated that labour clauses are now also inserted in all contracts over £2,000 awarded by local authorities.

TURKEY

General Public Works Contract, No. 2-4869 of 20 June 1936.

Instruction of 15 September 1937 (*Resmî Gazete*, 15 Sep. 1937).

Article 1, paragraphs 4 and 5; *Article 2*, paragraph 3, of the Convention. Employers' and workers' organisations were not consulted, as they did not exist when the above-mentioned texts came into force. Now they are consulted whenever appropriate.

Article 2, paragraphs 1 and 2. The Government's report was accompanied by a copy of the General Public Works Contract of 20 June 1936, which contains clauses relating to working conditions (articles 14, 15, 17, 18 and 19).

The Government has also stated that section 29 of the Labour Code respecting works regulations was repealed by Act No. 275 of 1963 which provides, *inter alia*, for a certified copy of all collective labour agreements to be posted publicly.

Paragraph 4. Contractors are made aware of the terms of labour clauses by means of the specifications annexed to every public contract.

Workers are made aware of the terms of such clauses by the posting in a public place of either the works regulations (section 29, paragraph 4, of the Labour Code) or other texts such as collective agreements, arbitration awards, etc. (section 46 of Act No. 275 of 1963).

Article 4, clause (b) (i). A copy of a model work book, established in accordance with article 15 of the General Public Works Contract, was attached to the Government's report. Daily wages, the number of days worked, the amount of wages due, the amount paid and the balance due must be recorded therein.

Article 14 of the General Public Works Contract provides that contractors must submit a wages sheet, signed by all the workers mentioned in it, to the Ministry of Public Works.

The attention of contractors was drawn to the provisions of articles 14 and 15 of the General Public Works Contract by a circular of 1 June 1965 issued by the Regional Directorate of Ankara. A copy of this document was attached to the Government's report.

A tax book is delivered to workers by the Ministry of Finance, in which is inserted the amount of their wages and the date of commencement and termination of their employment, for purposes of income tax calculation. A copy of this document was also attached to the Government's report.

Section 21 of the Labour Code provides that each worker must receive a wage slip or else have his wages entered in the wage book kept by him; similar rules apply as regards overtime work (paragraph 10 of the Overtime Regulations).

When a worker leaves his employment, he receives a certificate bearing a description of his job and mentioning the amount of time during which he was employed in it (section 31 of the Labour Code).

Article 5, paragraph 2. Article 15, paragraph 6, of the General Public Works Contract makes provision for the withholding of amounts on payments due to the contractor.

UGANDA

In reply to a direct request made by the Committee of Experts, the Government has stated that the exemption of contracts for less than £5,000 from the application of the provisions of the Convention has been omitted from General Notice No. 9 of 1963, which replaced General Notice No. 548 of 1958.

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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:

Cyprus, Morocco, United Kingdom.

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

Bulgaria, Cameroon (Eastern Cameroon, Western Cameroon), Israel, Italy, Kenya, Netherlands, Nigeria, Rwanda, Sierra Leone, Singapore, Somalia (ex-British Somaliland).

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

BYELORUSSIA

In reply to a direct request made by the Committee of Experts concerning the application of Article 4, paragraph 2, and Article 6 of the Convention, the Government has provided the following information.

Section 66 of the Labour Code, which provides that wages shall be paid partly in kind, is no longer applied in practice. To meet the needs of agricultural workers on state farms, certain foodstuffs can be sold to them at their request at prices fixed by the Government.

As regards the worker's freedom to dispose of his wages, the Government has specified that this is guaranteed for all workers, including young persons between the ages of 15 and 18 years, by article 10 of the Constitution and the provisions of the Civil Code.

BRAZIL

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

Article 2 of the Convention. Temporary workers and manual workers employed on public works, in the service of either the Government or independent administrative bodies, are covered by the provisions of the Labour Code.

Article 4. Court rulings are given as examples of the interpretation of the law concerning payments in kind. The sale of narcotic substances is governed by Legislative Decree No. 891 of 25 November 1938. The Government has, moreover, noted the Committee's suggestion that a provision should be inserted in the Labour Code formally prohibiting the payment of wages in the form of spirits.

Article 7, paragraph 1. Persons whose rights have been encroached upon may apply to the court by virtue of article 141, paragraph 4, of the Constitution. Penalties are provided for in the Penal Code.

Paragraph 2. In the absence of any legal provision obliging them to do so, workers are entirely free to make use of or not to make use of works stores, where these exist.

CAMEROON

Eastern Cameroon

In reply to a direct request made by the Committee of Experts, the Government has stated that the application of Article 6 of the Convention has not given rise to any difficulty.

Western Cameroon

The laws of Nigeria respecting the protection of wages continue in force in Western Cameroon by virtue of article 53, paragraph 1, of the Constitution of 1961.

CENTRAL AFRICAN REPUBLIC

Article 6 of the Convention. In reply to a direct request made by the Committee of Experts, the Government has stated that the draft amendments to the Labour Code stipulate that: "in no circumstances may an employer restrict the freedom of a worker to dispose of his earnings."

CHAD

In reply to a direct request made by the Committee of Experts, the Government has stated that current practice does not allow an employer to influence a worker as to how he should spend his wages, and that the draft Labour Code contains provisions relating to amounts withheld from wages and the periodical payment of wages in legal tender.

CHINA

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

Article 2 of the Convention. The Government has extended the application of this Article so as to include civil servants, teachers, military personnel and intellectual workers. Temporary workers are covered by the Factory Act.

Articles 4 to 7. Although the provisions of these Articles are not specifically implemented by the present Labour Code, the Government has stated that it will take executive measures where necessary.

Article 8. The Labour Insurance Regulations, 1958, and the Welfare Fund Regulations, 1948, allow deductions from wages.

Articles 9 to 11. The Government will take executive measures to implement the provisions of these Articles pending the enactment of legislation.

Article 12. The provisions of this Article are applied by the Civil Code. An appropriate insertion will also be made in the Labour Code.

Articles 13 to 15. The Government will issue orders in accordance with the Convention. Article 14, clause (a), is applied by the Factory Act.

The Government has also indicated that the draft Labour Code is nearing completion.

COSTA RICA

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

Article 3, paragraph 2, of the Convention. The use of wage tokens authorised in paragraph 2 of section 165 of the Labour Code is not a form of payment of wages but simply a practical means of checking on the work performed, on the basis of which wages are paid in legal currency at the end of each week.

Article 4, paragraph 1. Section 165, as well as sections 170 and 70 (a), of the Labour Code imply a prohibition of payment of wages in the form of alcoholic beverages or harmful drugs.

Paragraph 2 (b). Section 166 of the Labour Code provides for a reasonable assessment, in the light of local conditions, of the percentage of wages payable in kind. The labour inspectors supervise the proper enforcement of this provision.

The Government hopes to issue a decree to facilitate the application of this Article.

Article 8, paragraph 2. Workers can see the amounts which have been deducted from their wages from the written indications on their pay slips or pay envelopes. Amounts withheld by lien are notified by court ruling. Trade union or co-operative society dues may be withheld only with the consent of the worker. The Ministry of Labour has set up a public labour law information service to which workers have frequent recourse.

Article 12, paragraph 2. According to national legislation, when a contract of employment is terminated the worker must be paid off immediately, unless a reasonable delay was previously agreed upon. Failing this, the worker may seek for the intervention of the competent authorities or bring the case before the labour courts.

Article 14, clause (b). Reference is made to the comments under Article 8, paragraph 2, above. The register of workers and wages books, or the written contract where this is obligatory, contain indications of the various factors that enter into the calculation of wages.

GABON

Decree No. 154/PR of 5 June 1963 respecting the attachment, assignment and deduction of wages, salaries and allowances (*Journal officiel de la République Gabonaise*, 1 July 1963).

GREECE

In reply to an observation made by the Committee of Experts, the Government has stated that the committee set up to revise the Labour Code will make any amendments necessary to bring the legislation into harmony with the Convention.

HUNGARY

In reply to a direct request made by the Committee of Experts, the Government has stated that section 8 of Ordinance No. 415 of 1963, in application of Ordinance

No. 12 of 1963 explicitly embodies provisions in accordance with Article 3 of the Convention.

IRAQ

The Government has stated that all the points raised in direct requests made by the Committee of Experts have been brought to the notice of the committee in charge of drafting the Labour Law, the text of which is still under consideration.

ISRAEL

Wage Protection (Amendment No. 3) Law, No. 5724 of 1963 (*Sefer Ha-Chukkim (S.H.C.)*, 1964, No. 412).

Wage Protection (Amendment No. 4) Law, No. 5725 of 1964 (*S.H.C.*, 1964, No. 439).

IVORY COAST

Labour Code, Act No. 64-290 of 1 August 1964 (*Journal officiel de la République de la Côte d'Ivoire (J.o.R.C.I.)*, 17 Aug. 1964, No. 44, Extraordinary) (*L.S.* 1964—I.C. 1).

Decree No. 64-453 of 20 November 1964 respecting penalties for infringements of the Labour Code (*J.o.R.C.I.*, 1964, p. 1635).

Decrees Nos. 65-519 and 63-520 of 20 December 1964 to establish wage areas and a national guaranteed minimum wage (*J.o.R.C.I.*, 1964, pp. 22 and 23).

Decree No. 65-125 of 2 April 1965 governing the opening, closing and operation of works stores (*J.o.R.C.I.*, 1965, p. 422).

Section 85, paragraph 4, of the Labour Code corresponds to Article 6 of the Convention.

LIBYA (First Report)

Labour Code, Royal Decree of 22 November 1962 (*Al-jarida al-rasmiya*, 24 Nov. 1962, No. 17) (*L.S.* 1962—Libya 1).

Article 7 of the Convention. Section 29 of the Labour Code provides that where the workplace is far distant from a worker's home, the employer is required to provide certain benefits in kind, described in the implementing decree.

Articles 8 to 10. Section 29, paragraphs 1 to 3, of the Code specifies the deductions which may be made from wages,

Article 11. Section 26 governs the payment of wages in case of the employer's bankruptcy.

The application of the legal provisions for the protection of wages is the responsibility of the labour offices under the supervision of the Ministry of Labour and Social Affairs.

Some of the complaints made by trade unions relate to deductions made by employers from workers' wages. These are provided for in section 25, paragraph 5, of the Labour Code. They are lawful so long as they do not exceed 5 per cent. of monthly wages and in any case they may not be retained by the employer but must be paid into a special fund for the benefit of all workers.

MALAYSIA

States of Malaya

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

Article 2, paragraph 1, of the Convention. The Government, although not considered to be an employer within the meaning of the Employment Ordinance, abides

by its provisions in respect of its own employees. The Government General Orders, which lay down standards of protection and benefits generally superior to those laid down in the Employment Ordinance, give effect to the provisions of the Convention in respect of manual workers employed by the Government.

Paragraph 2. A select committee, which included, amongst others, government, employers' and employees' representatives, previously examined the Employment Bill before it was passed as the Employment Ordinance.

Article 4, paragraph 1. The expression "amenity or service" covers any kind of privileges and allowances. Under the Dangerous Drugs Ordinance, No. 30 of 1952, no person is permitted, unless otherwise authorised, to possess or distribute to any other person any dangerous drugs, which include the common forms of narcotics envisaged in the Convention.

Paragraph 2. Under section 29 of the Employment Ordinance any amenity or service provided is in addition to wages, which must be paid in legal tender. This paragraph is therefore not applicable.

Article 14, clause (b) ; Article 15, clause (d). Action is being taken to amend section 61 of the Employment Ordinance so as to make it obligatory for all employers to keep the prescribed records irrespective of the number of labourers employed.

Sabah

In reply to a direct request made by the Committee of Experts, the Government has stated that the point raised in connection with the application of Articles 4 and 13 of the Convention will be borne in mind in the preparation of the standard legislation of the states of Malaysia.

Sarawak

Articles 4, 8, paragraph 2, and Article 13, paragraph 1, of the Convention. See under Sabah.

PHILIPPINES

Exceptions from the application of the Minimum Wage Law, as amended by Republic Act No. 4180, now include farm tenancy, retail or service enterprises with less than five employees, mining enterprises and domestic servants.

POLAND

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

Article 4, paragraph 1, of the Convention. Payment of wages in legal tender is prescribed by section 450 of the Code of Obligations, by section 13 of the ordinance respecting employment contracts for intellectual workers and by section 22 of the ordinance respecting work contracts for wage earners, which prohibits, among other things, payments in kind. Penalties are prescribed for infringement of this rule. The payment of wages in the form of spirits or harmful drugs is therefore prohibited in an adequate manner.

Article 6. A worker's freedom to dispose of his wages is adequately secured by the provisions of the legislation respecting the periodical payment of wages in legal tender, the keeping of compulsory wages books, and the prohibition of attaching or assigning wages, as well as by the regulations respecting deductions.

Article 8. The texts requested by the Committee were attached to the Government's report.

Moreover, the State and the administrative departments concerned effect occasional checks to see that wages are being paid at the proper intervals and at the proper place.

SIERRA LEONE

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

Articles 6, 7, 13 and 15, clause (d). No progress has been made but these matters are being kept in view.

Article 10. Present law is considered to satisfy local needs.

SPAIN

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

Article 4 of the Convention. In accordance with the provisions of the Acts of 16 October 1942 and of 24 April 1958, labour regulations and collective work agreements contain details concerning partial payment of wages in kind, in particular in such undertakings as those connected with the hotel trade, medical centres, establishments for private tuition and agricultural and cattle-raising undertakings.

Article 9. The obligation to obtain employment through the competent services of the national trade union organisation excludes all possibility of obtaining employment as a result of any form of payment. Stability of employment is ensured by the legislation respecting dismissal.

SYRIAN ARAB REPUBLIC

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

Article 2 of the Convention. The comments made by the Committee of Experts will be taken into consideration when the labour legislation is revised.

Article 4. Ministerial Regulations No. G/1/6450 of 4 September 1961 govern the payment of wages in kind.

Article 5. According to the provisions of sections 47 and 48 of the Labour Code and of Order No. 332 of 23 June 1960, wages are paid directly to the worker concerned.

Article 7. Section 64 of the Labour Code and Ministerial Order No. 411 of 1959 govern the provision of accommodation and food for workers employed in areas far distant from inhabited localities.

TANZANIA

Tanganyika

Wages Regulation (Non-Plantation Agriculture, Gold Mining, Tea Industry and Casual Employees) Order, 1965.

Article 4 of the Convention. The above-mentioned order has laid down, on the same basis as the Wages Regulation Order, 1962, the amounts by which the statutory minima may be reduced when housing and rations, at the prescribed scale, are provided by an employer.

TUNISIA

In reply to a direct request made by the Committee of Experts, the Government has announced that the new Labour Code, the provisions of which regarding wages will

be applicable to agricultural as well as industrial and commercial undertakings, will probably be approved very soon.

TURKEY

Instruction of 15 September 1937 (*Resmî Gazete*, 15 Sep. 1937).

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

Article 2, paragraph 2, of the Convention. Workers excluded from the scope of the Labour Code are nevertheless protected as regards their wages by the Code of Obligations, in particular by sections 83, 123, 126, 132, 157, 313, 323, 326 to 329, 332 and 346 thereof. These provisions are of a general nature and are not aimed at meeting the precisely formulated requirements of Articles 7 to 9 and 14 and 15 of the Convention. However, Article 8, paragraph 1, is implemented by section 157 of the Code of Obligations. Paragraphs 12 to 19 of the instruction of 15 September 1937 to enforce the provisions of the Labour Code provide for the insertion of wage clauses in works rules and the restrictions imposed on deductions from wages, as well as for the procedure to be followed in case of complaints by workers regarding their wages.

Article 4, paragraph 1. In agriculture and fishing it is customary to pay wages in kind. In other sectors the current practice is to pay wages partly in kind and partly in cash.

When regulations are eventually enacted respecting the conditions of work of fishermen and agricultural workers, the requirements of the Convention concerning part payment of wages in kind will be taken into account.

The legislation does not specifically prohibit the payment of wages in the form of spirits or harmful drugs.

Article 6. A worker's right to dispose of his property in full freedom, within the bounds of the law, is guaranteed by section 618 of the Civil Code.

Article 10. Sections 123 and 332 of the Code of Obligations are applicable in this connection.

Article 15, clause (d). Section 21 of the Labour Code and paragraph 10 of the Overtime Regulations make it compulsory for employers to keep a record of wages paid. The possibility for workers to check on their wages is secured by their being issued with a wage slip, or through their wages books containing entries referring to all wages paid, in accordance with paragraph 17 of the instruction of 15 September 1937.

UKRAINE

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

Article 6 of the Convention. Article 6 of the Constitution guarantees the freedom of citizens to dispose of their earnings and savings.

Article 10. According to section 65 of the Civil Code, a worker may transfer his rights concerning his wages to another person.

U.S.S.R.

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

Article 4, paragraph 2, of the Convention. Reference is made to the Government's previous reports on Convention No. 52.

Article 6. Section 8 of the Act to lay down general principles of civil law prohibit any circumscription of the rights of workers and all other persons. The right of young workers to dispose of their earnings freely is protected by section 13 of the same Act.

UNITED ARAB REPUBLIC

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

Article 2 of the Convention. No categories of persons are excluded from the scope of the Convention. The provisions are applied by custom to workers employed by the Government and to public establishments in virtue of Decree No. 3546 of 1962.

Article 4. Observations made in this connection by the Committee of Experts will be brought to the attention of the committee in charge of revising the Labour Code.

Article 5. The Government has stated that it considers that these provisions are applied by sections 45 and 46 of the Labour Code, which require an employer to pay wages personally to a young worker, if he has reached the age of 14.

Article 7, paragraph 2. Consumer co-operatives ensure fair and reasonable prices for goods and services.

Article 8, paragraph 2, and Article 15, clause (a). Workers and other persons concerned are informed of the conditions under which and the extent to which deductions from their wages may be made by publication of the relevant legislation.

Article 9. The provisions of this Article are applied by section 22 of the Labour Code.

UNITED KINGDOM

Contracts of Employment Act, 1963.

Article 14 of the Convention. The above-mentioned Act contains provision for employers to give employees written information about the main terms of their employment.

* * *

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

Brazil, Cameroon (Eastern Cameroon), France, Ivory Coast, Mali, Mauritania.

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

Argentina, Austria, Bulgaria, Cameroon (Western Cameroon), Congo (Brazzaville), Cuba, Cyprus, Guatemala, Italy, Malagasy Republic, Malta, Mexico, Netherlands, Niger, Nigeria, Norway, Somalia (ex-British Somaliland), Togo, Uganda, Upper Volta.

96. Fee-Charging Employment Agencies Convention (Revised), 1949

This Convention came into force on 18 July 1951

Countries	Ratification registered on
Algeria ¹	19. 10. 1962
Belgium ¹	4. 7. 1958
Bolivia ¹	19. 7. 1954
Brazil ¹	21. 6. 1957
Ceylon ²	1. 5. 1958
Costa Rica ¹	2. 6. 1960
Cuba ¹	3. 2. 1953
Finland ¹	22. 12. 1951
France ¹	10. 3. 1953
Federal Republic of Germany ¹	8. 9. 1954
Gabon ¹	13. 6. 1961
Guatemala ¹	3. 1. 1953
Israel ²	19. 6. 1961
Italy ¹	9. 1. 1953
Ivory Coast ¹	22. 5. 1961
Japan ²	11. 6. 1956

Countries	Ratification registered on
Libya ¹	20. 6. 1962
Luxembourg ¹	15. 12. 1958
Mauritania ¹	31. 3. 1964
Netherlands ¹	20. 5. 1952
Norway ¹	29. 6. 1950
Pakistan ¹	26. 5. 1952
Poland ¹	25. 10. 1954
Senegal ²	22. 10. 1962
Sweden ¹	18. 7. 1950
Syrian Arab Republic ¹	7. 6. 1957
Turkey ²	23. 1. 1952
United Arab Republic ¹	26. 7. 1960

¹ Has accepted the provisions of Part II.

² Has accepted the provisions of Part III.

BOLIVIA

In reply to direct requests made by the Committee of Experts in 1963 and 1964, the Government has supplied the following information.

Article 3, paragraph 2, of the Convention. The employment section of the Labour and Manpower Department in the Ministry of Labour is responsible for all employment agencies in the Republic (in La Paz, Cochabamba, Potosí, Oruro, Tarija, Santa-Cruz, Riberalta and Llallagua).

Article 8. Any infringement of the social legislation is punishable by judicial authority following a denunciation made by a labour inspector and according to the special summary procedure defined in Legislative Decree No. 02763 of 2 October 1951, which amended the presidential decree of 18 January 1939 referred to in section 120 of the Labour Act.

CEYLON

In reply to a direct request made by the Committee of Experts, the Government has indicated that out of the four fee-charging employment agencies only two have received an authorisation from the Commissioner of Labour; the other two agencies have not been issued licences to operate, as certain provisions of law have not been complied with. These agencies are conducted with a view to profit and hence the conditions laid down in Article 11, clauses (b) and (c), of the Convention do not apply.

COSTA RICA

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

Article 3 of the Convention. If a middleman as defined in section 3 of the Labour Code sets himself up as a recruiting agent within the terms of Article 1, paragraph 1(a),

of the Convention, he is automatically banned from operating by section 18 of Act No. 1860 of 21 April 1955 to provide for the establishment of the Ministry of Labour and Social Welfare.

Article 5. The workers' organisations were not consulted about the exceptions made with regard to the fee-charging employment agencies which were authorised to recruit domestic servants for work in the United States, since no domestic servants' union existed at that time. The activities of these agencies have in fact been suspended.

Article 6. There are no fee-charging employment agencies which are not conducted with a view to profit.

FRANCE

In reply to a direct request made by the Committee of Experts in 1964, the Government has supplied the following information concerning the application of Article 5 of the Convention.

At meetings organised by the Ministry of Labour in 1964 and 1965 the theatrical unions raised no objection to the activities of special fee-charging employment agencies for employees in the entertainment field.

Employers' and workers' organisations have raised no objection to the existence of fee-charging employment agencies for domestic staff.

Fee-charging employment agencies are strictly supervised by the public employment services, since such agencies operate under licences which are granted by the public authorities on specific conditions and which may be revoked if necessary.

GABON

In reply to a direct request made by the Committee of Experts, the Government has stated that in Gabon there are no private employment offices, even operated by employers' or workers' organisations. In particular, since the creation of the public manpower service, the Interoccupational Economic and Social Union of Gabon (UNIGABON) no longer operates an employment service, but merely informs the public manpower service of all offers of work and applications for work which it receives.

FEDERAL REPUBLIC OF GERMANY

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

Article 3, paragraph 1, of the Convention. Apart from applying the principle of allowing existing contracts to expire, it cannot at present be seen when private fee-charging employment agencies conducted for profit can be abolished.

Article 6. No ordinance has yet been issued regarding fees for the services of employment agencies not conducted with a view to profit.

GUATEMALA

In reply to an observation made by the Committee of Experts, the Government has referred to section 5 of the decree of 23 December 1957 prohibiting fee-charging employment agencies, and to sections 140 to 143 of the Labour Code relating to the recruitment of agricultural workers, as well as to sections 269 to 272 of the Code which prescribe certain sanctions for violation of the prohibitions prescribed by the legislation. The Government has stated that it does not consider it necessary to adopt any further measures and has asked for the guidance of the Committee of Experts in this respect.

ISRAEL

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

Recruitment through labour contractors is considered to come within the definition of "private employment agency".

In future, if a licence is granted to a private employment agency, its duration will be limited, so as to comply with Article 10, clause (b), of the Convention, and a condition will be inserted giving effect to the provisions of Article 13 of the Convention.

IVORY COAST

Labour Code, Act No. 64-290 of 1 August 1964 (*Journal officiel de la République de la Côte d'Ivoire (J.o.R.C.I.)*, 17 Aug. 1964, No. 44, Extraordinary, p. 1059) (L.S. 1964—I.C. 1).

Decree No. 64-453 of 20 November 1964 respecting penalties for infringements of the Labour Code (*J.o.R.C.I.*, 1964, p. 1635).

Decree No. 65-130 of 2 April 1965 to prescribe the conditions subject to which occupational associations may be permitted to undertake placement work (*J.o.R.C.I.* 17 Apr. 1965, No. 19, Extraordinary, p. 427).

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

Article 3 of the Convention. Section 148 of the Code prohibits any person from acting as a recruiting agent, subject to penalties.

Articles 6 and 7. Trade unions must have prior authorisation for the opening of employment offices. Such offices operate free of charge. Up to the present, only the association of employers engaged in handling operations in the port of Abidjan has been authorised to operate an employment office, and then solely for the purpose of engaging dock-hands for handling operations in the port.

JAPAN

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

Article 10, clause (d), and Article 11, clause (c), of the Convention. There have been no cases in which fee-charging employment agencies, whether profit-making or non-profit-making, have engaged in placing workers abroad without the permission of the Minister of Labour. Such permission may only be granted when this function cannot be performed by the public employment security offices.

LIBYA (First Report)

Labour Code, Royal Decree of 22 November 1962 (*Al-jarida al-rasmiya*, 24 Nov. 1962, No. 17) (L.S. 1962—Libya 1).

Regulations No. 4 of 1960.

There are no fee-charging employment agencies in Libya (section 7, paragraphs 5 and 6, of the Labour Code).

PAKISTAN

In reply to an observation made by the Committee of Experts in 1965, the Government has stated that both provincial governments have decided to adopt as early as possible legislation prohibiting fee-charging employment agencies so as to give effect to the provisions of the Convention.

SENEGAL (First Report)

Constitution, as revised by Act No. 63-22 of 7 March 1963 (*Journal officiel de la République du Sénégal (J.o.R.S.)*, 11 Mar. 1963, p. 357).
Labour Code, Act No. 61-34 of 15 June 1961 (*J.o.R.S.*, 3 July 1961, No. 3462, Extraordinary, p. 1015) (*L.S.* 1962—Sen. 2 B).

By virtue of article 79 of the Constitution, the Convention takes precedence over all laws and regulations.

SYRIAN ARAB REPUBLIC

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

Article 3 of the Convention. The effects of section 22 of the Labour Law, No. 91 of 1959, which refers to recruiting agents, were rescinded by the provisions of section 11 and by orders of the Ministry of Social Affairs and Labour implementing the provisions of Chapter III of the Labour Law in all the provinces of the Republic.

At present there are no private employment offices such as those mentioned in section 18 of the Labour Law.

Article 5. There are no employment agencies for casual employment not exceeding two weeks. A committee has been directed to study the situation concerning domestic staff.

Article 6. If it were desired to set up employment offices under section 18 of the Labour Law of 1959, the special permission of the competent authorities would not be required. There are no regulations concerning the recruitment of workers abroad; such recruitment has, moreover, never taken place.

Article 7. If an employment agency were to exact any fee whatsoever, the person responsible would be brought to court and penalties would be imposed on him.

TURKEY

In reply to an observation made by the Committee of Experts, the Government has indicated that the Bill respecting middlemen in agriculture was again submitted to Parliament in December 1965 and it expressed the hope that it would soon come up for consideration.

* * *

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

Belgium, Bolivia, Ceylon, Costa Rica, Cuba, Federal Republic of Germany, Israel, Italy, Japan, Netherlands, Norway, Pakistan, Poland, Sweden, Syrian Arab Republic, Turkey.

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

Brazil, Finland, Luxembourg, United Arab Republic.

97. Migration for Employment Convention (Revised), 1949

This Convention came into force on 22 January 1952

Countries	Ratification registered on
Algeria ¹	19. 10. 1962
Belgium	27. 7. 1953
Brazil	18. 6. 1965
Cameroon (Western Cameroon) ²	3. 9. 1962
Cuba	29. 4. 1952
Cyprus ²	23. 9. 1960
France ¹	29. 3. 1954
Federal Republic of Germany	22. 6. 1959
Guatemala	13. 2. 1952
Israel	30. 3. 1953
Italy	22. 10. 1952
Jamaica ²	26. 12. 1962
Kenya ²	30. 11. 1965
Malawi	22. 3. 1965
Malaysia (Sabah ²)	3. 3. 1964

Countries	Ratification registered on
Netherlands	20. 5. 1952
New Zealand ³	10. 11. 1950
Nigeria ²	17. 10. 1960
Norway	17. 2. 1955
Tanzania (Zanzibar) ²	22. 6. 1964
Trinidad and Tobago ²	24. 5. 1963
United Kingdom ⁴	22. 1. 1951
Upper Volta	9. 6. 1961
Uruguay	18. 3. 1954
Zambia ²	2. 12. 1964

¹ Has excluded the provisions of Annex II.

² Has excluded the provisions of Annexes I, II and III.

³ Has excluded the provisions of Annex I.

⁴ Has excluded the provisions of Annexes I and III.

BELGIUM

Royal Decree of 20 May 1965 (*Moniteur belge*, 17 June 1965).

Article 1 of the Convention. The Government has simplified the administrative formalities relating to foreign workers, on the one hand by allowing nationals of countries outside the European Economic Community greater access to employment in the various sectors of activity and, on the other hand, by facilitating the granting of permanent work permits to workers from countries within the Community and their families.

Article 4. Financial assistance is granted to migrant workers who have at least three dependent children in connection with their voyage to the country of destination.

CAMEROON

Western Cameroon (First Report)

Labour Code Ordinance (*Laws of Nigeria (L.N.)*, revised edition, 1958, Cap. 91).

Exchange Control Ordinance (*L.N.*, revised edition, 1958, Cap. 63).

Article 1 of the Convention. In the absence of specific provisions, migration is governed by the general national legislation (Caps. 1, 9, 10, 65, 84 and 91 of the *Laws of Nigeria*). All foreign nationals are registered and must carry identity papers after obtaining permission to reside in the country. By virtue of reciprocal arrangements, only nationals of Nigeria may immigrate without a visa; candidates for emigration must have a valid travel document.

Article 2. The services available to migrants are the same as those available to nationals. Section 45, paragraphs 1 and 2 (a), section 87, paragraphs 1 and 2, section 61, paragraph 1, section 62 and section 64, paragraph 1 (c), of the Labour Code would seem to guarantee that these services are free of charge and that the information supplied concerning employment is exact.

Article 3. No specific regulations have appeared to be necessary with regard to propaganda relating to emigration and immigration. The protection of migrant workers is, however, ensured by the provisions of section 43, paragraph 2, section 45, paragraphs 1, 2 (a) and 7, section 53, paragraph 2, section 59, section 61, paragraph 1, sections 73 (b) and (c), 79, 80, 82, 85, and section 100, paragraphs 1 (b) and 2, of the Labour Code. The Government's report specifies that employers are encouraged to give priority as regards employment to nationals.

Article 4. There is no programme organised under government supervision for the recruitment of immigrant workers. However, general measures relating to the recruitment of workers both inside and outside the country are contained in sections 54, 55, 56, 59, 60, 86, 88, 96 *et seq.* of the Code.

Article 5. The provisions of sections 44 (h), 48, 83, 84, 85, 89, 99 and 100 (a) of the Code give effect to the provisions of this Article, both as regards workers and as regards members of their families.

Article 6. Measures are taken during the inspection of industrial undertakings to ensure that there is no discrimination in respect of conditions of employment. The national legislation does not distinguish between the various categories of workers.

Article 7. According to the Government's report, employment services are provided free of charge to both nationals and aliens. In this connection reference is also made to the information provided under Article 2.

Article 8. The national legislation provides for repatriation of migrants (sections 88 and 89 of the Code) but does not seem to make any special provision for migrants admitted on a permanent basis.

Article 9. According to the Government's report, workers may transfer their earnings and savings freely. Section 21, paragraph 1, and section 22, paragraph 1, of the ordinance respecting exchange control would seem to impose limitations in this respect.

Articles 10 and 11. No information has been provided in respect of these Articles.

The Labour Commissioner and the Governor-General are the authorities responsible for ensuring the application of the Convention.

JAMAICA (First Report)

Emigrants Protection Law of 17 January 1925, as revised in 1953 (*Laws of Jamaica (L.J.)*, 1953, Vol. III, Cap. 113).

Recruiting of Workers Law of 6 June 1940, as revised in 1953 (*L.J.*, 1953, Vol. VII, Cap. 336).

Immigration Restriction (British Subjects) Law of 27 December 1945, as revised in 1953 (*L.J.*, Vol. III, Cap. 153), and the Immigration Restriction (British Subjects) Order of 2 September 1959 (*Jamaica Gazette (J.G.)*, Supplement, 2 Sep. 1959).

Aliens Law of 28 February 1946, as amended in 1953 (*L.J.*, 1953, Vol. I, Cap. 9).

Quarantine (Maritime) Law of 5 December 1951, as revised in 1953, and amendments (*L.J.*, 1953, Vol. VII, Cap. 330).

Exchange Control Law of 8 December 1954 (*L.J.*, 1954, No. 50) and Exchange Control (Amendment) Law of 5 December 1957 (*L.J.*, 1957, No. 33).

Foreign Nationals and Commonwealth Citizens (Employment) Act, No. 48 of 18 November 1964 (*J.G.*, Dec. 1964, No. 28).

Article 1 of the Convention. There is no restriction on emigration and the Government does not normally interfere in this connection. Immigration with a view to permanent residence is restricted to British subjects, with the exceptions

provided for in the Aliens Law (Cap. 9), the Immigration Restriction (British Subjects) Law (Cap. 153), the Immigration Restriction (British Subjects) Order, 1959, and the Foreign Nationals and Commonwealth Citizens (Employment) Act, 1964. As regards nationals of other countries, immigration is subject to their obtaining an authorisation which is valid for one year and may be renewed; British and other foreign workers wishing to enter employment must have a work permit issued by the Ministry of Labour (Laws of 1953 (Cap. 9) and of 2 September 1959).

Article 2. The Ministry of Labour, the services of which are provided free of charge, is responsible for recruitment, completion of the necessary formalities and provision of advice to emigrants in connection with mass transfers of workers to the United States, Canada and the United Kingdom; it maintains contact with migrants through the intermediary of the appropriate bodies in the countries of destination.

Article 3. A Justice of the Peace makes sure that workers are not subjected to pressure or recruited by misrepresentation or mistake (section 6, paragraph 2, of the Law of 1953 (Cap. 336)). The Government's report also indicates that anyone who is found to have unduly incited workers to emigrate is liable to penalties, but that it has not been found necessary to take any measures in co-operation with other governments in this connection.

Article 4. Before leaving for the United States or Canada, workers receive information and undergo a medical examination; they undergo a further medical examination at the place of destination, where they are met by employers' representatives; their conditions of work are checked and they are given advice. In the case of emigration to the United Kingdom, information and advice are given before departure by a British representative, who is present at the start of the voyage. Section 7 of the Law of 1953 (Cap. 336) lays down the requirements to be met in respect of the journey of emigrants.

Article 5. A medical examination is provided both for emigrants before departure (under section 6, paragraph 1 (b), of the Law of 1953 (Cap. 336) and under section 8, paragraph 2, of the Law of 1953 (Cap. 153)) and for immigrants upon arrival (under the Law of 1953 (Cap. 330) and paragraphs 20 (a), 7 (1), 15 and 25 of the implementing regulations of 1953); adequate medical services and public health services are available in the country.

Article 6. Equality of treatment for national and immigrant workers is assured, in the sphere covered by paragraph 1, by virtue of several laws.

Article 7. The two emigration programmes to the United States and the programme to Canada are not covered by intergovernmental agreements, but they are supervised and administered by the Ministry of Labour, the services of which are supplied free of charge. The provisions of section 26 of the Law of 1953 (Cap. 113) and Act No. 48 of 1964 (section 10, paragraph 1 (c)) are also applicable.

Article 8. According to the Government's report, there are no regulations applicable to the subject-matter of this Article. Reference is made, however, to section 15 of the Law of 1953 (Cap. 9) and sections 4 and 19 of the Law of 1953 (Cap. 153).

Article 9. The Government has indicated that if an emigrant is considered as a national of a country outside the Sterling area, he is authorised to transfer his earnings as he pleases. Restrictive provisions are contained in the Exchange Control Law of 8 December 1954, in particular in sections 23, 24 and 42.

Article 10. No agreement as contemplated under this Article has been concluded.

Article 11. There are no frontier workers. Short-term immigration (generally for six months) for the liberal and artistic professions is subject to an authorisation, the validity of which may not exceed one month in the case of artists.

The authorities responsible for the enforcement of the legislative provisions mentioned are the Ministries for Internal Affairs, Labour and Finance, the Chief of the Immigration Department, the Bank of Jamaica and the various quarantine services.

UPPER VOLTA

See under Convention No. 6.

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

Belgium, France, New Zealand.

The report from *Malaysia (Sabah)* repeats 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	Kenya	13. 1. 1964
Algeria	19. 10. 1962	Liberia	25. 5. 1962
Argentina	24. 9. 1956	Libya	20. 6. 1962
Austria	10. 11. 1951	Luxembourg	3. 3. 1958
Belgium	10. 12. 1953	Malawi	22. 3. 1965
Brazil	18. 11. 1952	Malaysia:	
Bulgaria	8. 6. 1959	States of Malaya	5. 6. 1961
Byelorussia	6. 11. 1956	Sabah, Sarawak	3. 3. 1964
Cameroon:		Mali	2. 3. 1964
Eastern Cameroon	29. 1. 1963	Malta	4. 1. 1965
Western Cameroon	3. 9. 1962	Morocco	20. 5. 1957
Central African Republic	9. 6. 1964	Niger	23. 3. 1962
Chad	8. 6. 1961	Nigeria	17. 10. 1960
China	11. 10. 1962	Norway	17. 2. 1955
Costa Rica	2. 6. 1960	Pakistan	26. 5. 1952
Cuba	29. 4. 1952	Peru	13. 3. 1964
Czechoslovakia	21. 1. 1964	Philippines	29. 12. 1953
Denmark	15. 8. 1955	Poland	25. 2. 1957
Dominican Republic	22. 9. 1953	Portugal	1. 7. 1964
Ecuador	28. 5. 1959	Rumania	26. 11. 1958
Ethiopia	4. 6. 1963	Senegal	28. 7. 1961
Finland	22. 12. 1951	Sierra Leone	13. 6. 1961
France	26. 10. 1951	Singapore	25. 10. 1965
Gabon	29. 5. 1961	Sudan	18. 6. 1957
Federal Republic of Germany	8. 6. 1956	Sweden	18. 7. 1950
Ghana	2. 7. 1959	Syrian Arab Republic	7. 6. 1957
Greece	30. 3. 1962	Tanzania:	
Guatemala	13. 2. 1952	Tanganyika	30. 1. 1962
Guinea	26. 3. 1959	Zanzibar	22. 6. 1964
Haiti	12. 4. 1957	Trinidad and Tobago	24. 5. 1963
Honduras	27. 6. 1956	Tunisia	15. 5. 1957
Hungary	6. 6. 1957	Turkey	23. 1. 1952
Iceland	15. 7. 1952	Uganda	4. 6. 1963
Indonesia	15. 7. 1957	Ukraine	14. 9. 1956
Iraq	27. 11. 1962	U.S.S.R.	10. 8. 1956
Ireland	4. 6. 1955	United Arab Republic	3. 7. 1954
Israel	28. 1. 1957	United Kingdom	30. 6. 1950
Italy	13. 5. 1958	Upper Volta	16. 4. 1962
Ivory Coast	5. 5. 1961	Uruguay	18. 8. 1954
Jamaica	26. 12. 1962	Viet-Nam	6. 1. 1964
Japan	20. 10. 1953	Yugoslavia	23. 7. 1958

CHINA (First Report)

Trade Unions Act of 21 October 1929 (*Chinese Labour Laws (C.L.L.)*, 1929, p. 1) (*L.S.* 1929—Chin. 1), as amended in 1949.

Collective Agreements Act of 28 October 1930 (*C.L.L.*, Mar. 1934).

Chambers of Commerce Act of 1938.

Commercial Guilds Act of 1938.

Industrial Associations Act of 1947.

Instruction of the Executive Yuan of 15 April 1964.

Article 1 of the Convention. Section 35 of the Trade Unions Act provides that employers or their agents shall not refuse to employ, dismiss or otherwise treat workers unfavourably because they are officers of a trade union. In order to transact union business, permanent union leaders are entitled to half a day or a full day of leave regularly, and other union leaders and officers to not more than 15 hours per month. Section 36 of the Act prohibits employers from making it a condition of employment that a worker shall not become a union officer. Breaches of these provisions are punishable under section 57.

Article 2. For the purpose of obtaining the protection provided for in this Article, recourse may be had by workers' and employers' organisations to the provisions of the Trade Unions Act, the Industrial Associations Act, the Commercial Guilds Act and the Chambers of Commerce Act. Section 13 of the Trade Unions Act excludes from union membership employees in charge of business and administration on behalf of the management.

Article 4. In addition to the provisions of the Collective Agreements Act, section 5 of the Trade Unions Act makes the conclusion, amendment or abolition of collective agreements one of the functions of a trade union. Instructions have been given (by the Executive Yuan on 15 April 1964) for the listing of all public and private enterprises, apart from transport and other enterprises which serve the public interest (e.g. postal and telegraph services, railways, highways, air freight services, shipping, electricity services, water supply units, gas services and public transit facilities), as a preliminary measure. When collective agreements are concluded between the trade unions and factories or mines, they enter into force after approval by the competent authorities. Collective agreements for public enterprises are required to be negotiated within the limit of the working conditions provided by the competent authority.

Article 5. The Convention is not applicable to members of the armed forces and the police.

COSTA RICA

In reply to a direct request made by the Committee of Experts, the Government has stated that, if an employer were to dismiss a worker on account of his trade union activities, all courts would consider this to be unfounded dismissal. Moreover, the worker would be entitled to claim payment not only of all benefits legally due to him but also, as damages and costs, of the wages which he would have earned between the termination of his contract and the date of the final court ruling against his employer, the legal time limit for consideration and settlement of the case being respected.

The Government has added that a Bill is to be tabled in Parliament section 280 (f) of which provides for the dissolution of trade unions that have been proved in court to have committed "acts of interference with other organisations, either directly or through their members or agents, as regards the establishment, functioning or administration of those organisations".

ETHIOPIA (First Report)

Labour Relations Proclamation, 1963 (*Negarit Gazeta*, 1 Nov. 1963).

Article 1 of the Convention. Section 30 of the proclamation provides that no employer shall—(a) discriminate between employees as to working conditions on the ground of membership in a trade union or because of trade union activities; (b) employ or retain in employment members of trade unions in preference to non-members or vice-versa; (c) terminate the employment of any person because of

membership in a trade union. But these provisions shall not prevent an employer from suspending, dismissing, discharging or transferring any employee for good and sufficient cause. Section 29 provides that no person shall—(a) use intimidation, threats or undue influence in an attempt to induce any other person to become, refrain from becoming or cease to be a member of an employers' association or trade union; (b) except with the consent of the employer concerned, in the name or on behalf of the trade union, convene employees during working hours or on the employer's premises to solicit them to join the said union.

Article 2. Section 30 (d) of the proclamation prohibits an employer from belonging to or seeking to influence the forming of a trade union or interfering in any trade union activities.

Article 3. Unfair labour practice cases are dealt with by a labour relations board, which has power to consider, conciliate and arbitrate, to decide upon temporary measures, if appropriate, prior to final settlement, and to issue decisions and awards.

Article 4. Section 22 of the proclamation provides that employers' associations and trade unions shall have the purpose of regulating working conditions, shall negotiate freely and voluntarily thereon, shall settle labour disputes by peaceful means whenever possible and shall be encouraged to engage in voluntary conciliation as an essential part of collective bargaining and to make provision for voluntary conciliation in collective agreements. Section 26 requires each party involved in collective bargaining to recognise the other parties and to negotiate in good faith. According to section 27 the parties must use all available means to ensure that the persons or organisations they represent abstain during the bargaining period from activities which might disturb the collective bargaining. Section 25 requires collective agreements to be written and signed, two copies of each such agreement being sent for registration by the Minister. It is a function of the Ministry of National Community Development to prepare model collective agreements for voluntary adoption.

Article 5. The provisions of the Convention do not apply to the armed forces or the police.

Article 6. The proclamation does not apply to public servants, but it does apply to persons working in industrial, commercial or other profit-making enterprises run by the Government or its administrative or technical departments.

GREECE (First Report)

Act No. 281 of 1914 respecting associations.

Act No. 1803 of 26 April 1951 respecting the protection of trade union leaders (*Ephemeris tēs Kyvernesseos* (E.K.), Part I, 28 Apr. 1951, No. 126, p. 2).

Act No. 3239 of 18 May 1955 to prescribe the manner of settling collective labour disputes, to set up a National Advisory Board on Social Policy and to amend and supplement the provisions of certain labour Acts (E.K., Part I, 20 May 1955, No. 125) (L.S. 1955—Gr. 2).

Legislative Decree No. 3755 of 1957 respecting collective bargaining.

Legislative Decree No. 4361 of 1964 to modify and complete certain provisions governing trade unions (E.K., Part I, 2 Sep. 1964, p. 729).

Since the Convention has been ratified by the Government, its provisions are considered as having acquired the force of law.

By virtue of section 41 of Act No. 281 of 1914, penalties (fines or prison sentences) are prescribed for infringements of section 23 of the same Act, according to which employers or their representatives in any capacity must refrain from—preventing workers from forming or joining unions by dismissal or other unlawful means;

compelling workers by the same means to set up or join certain trade unions; employing or not dismissing workers on grounds of their belonging or not belonging to any trade union.

Section 19 of the Act of 1914 provides adequate protection against all acts of interference by employers' and workers' organisations with each other, since it prohibits employers and workers from joining the same unions and stipulates that if a worker becomes an employer he automatically loses his right to belong to a workers' union.

Act No. 1803 of 1951, as supplemented by Legislative Decree No. 4361 of 1964, protects trade union leaders from dismissal for as long as they are in office and for one year after the expiry of their term of office. By virtue of these provisions, dismissal must follow the procedure laid down by the Act and must be motivated by one of the causes specifically mentioned in the Act, which do not include trade union action, whether at the workplace or outside it.

The negotiation of collective agreements is governed by Act No. 3239 of 1955, as amended by Legislative Decree No. 3755 of 1957. According to the procedure laid down in those instruments, collective disputes between workers' and employers' organisations which relate to employment conditions and remuneration are to be settled by direct negotiation between the organisations with a view to the conclusion of collective agreements. When the direct bargaining procedure does not lead to the conclusion of a collective agreement, one or other of the parties concerned may ask the Ministry of Labour to intervene. An official of the Ministry of Labour is appointed as mediator and invites the parties to the dispute to make an attempt at conciliation. In case of failure, he submits a report which the Ministry of Labour forwards to the competent arbitration board; this board gives a ruling establishing the conditions of employment and remuneration of the workers concerned.

The preliminary draft of a Labour Code recently published by the Ministry of Labour lays down more detailed provisions concerning collective bargaining (in sections 321 to 359) than the above-mentioned legislation. The drafting committee took the provisions of the Convention into account as much as possible. Before the final text is prepared, workers' and employers' organisations will be invited to submit their comments, which will be considered by the revising committee.

ICELAND

Law No. 55 of 28 April 1962 respecting collective agreements of public employees.

Until 1962 civil servants did not have the right to negotiate for their salary and conditions of employment, which were determined by law. This situation was changed by Law No. 55 of 28 April 1962, which grants public employees the right to negotiate in this respect. If agreement is not reached within a fixed time limit, the dispute is referred to a court of arbitration which is composed of five members—three appointed by the Supreme Court, one by the Minister of Finance and one by the public employees' union.

LIBERIA

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

Article 1 of the Convention. Section 4600 of Part VI of the Labour Practices Law forbids acts of discrimination by employers on account of union membership of their employees; persons guilty of infringement of this provision are liable, under section 4606, paragraph 5, to a fine or imprisonment.

Article 2. Section 4606, paragraph 5, prescribes, as indicated above, penalties in the form of fines or imprisonment for any violation of the rights provided for in Part VI. Section 4105 makes it unlawful for employers to offer payment with a view to influencing a union or its members in the exercise of their rights and for union officials and/or members to accept such payment. Sections 4106 and 4107 contain detailed financial reporting requirements for union officials and employers.

Article 3. The Labour Practices Review Board has been made explicitly responsible for enforcing the rights contained in Part VI. The Board is thereby charged with preventing discrimination, as well as interference in or denial of the right to organise, and, after investigation, it may take measures with a view to the imposition of the penalties prescribed.

MALI (First Report)

Labour Code, Act No. 62-67 of 9 August 1962 (*Journal officiel de la République du Mali*, 15 Oct. 1962, No. 128, p. 708) (*L.S.* 1962—Mali 1).

The provisions of the Convention are given effect by the above-mentioned Act. Section 306 provides measures of protection against acts of discrimination in employment. Sections 59 and 60 extend the scope of the procedure for the conclusion of collective agreements between employers' and workers' organisations.

SUDAN

Trade Unions Ordinance, 1948, as amended in 1965.

In reply to an observation made by the Committee of Experts, the Government has stated that provisions concerning victimisation protect workers when establishing their trade unions. Newly formed trade unions are required, under section 7 of the Trade Unions Ordinance, to apply for registration within two months of the date of their establishment. In the meantime they are protected by the law on the same basis as trade unions which have already been registered.

The Government has also stated that a proposed Trade Disputes Act, 1965, is being sent to the Council of Ministers for consent.

* * *

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

99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

This Convention came into force on 23 August 1953

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Mexico	23. 8. 1952
Austria	29. 10. 1953	Morocco	14. 10. 1960
Brazil	25. 4. 1957	Netherlands	11. 6. 1954
Central African Republic	9. 6. 1964	New Zealand	1. 7. 1952
Ceylon	5. 4. 1954	Paraguay	24. 6. 1964
Costa Rica	2. 6. 1960	Peru	1. 2. 1960
Cuba	13. 1. 1954	Philippines	29. 12. 1953
Czechoslovakia	21. 1. 1964	Senegal	22. 10. 1962
France	29. 3. 1954	Sierra Leone	13. 6. 1961
Gabon	13. 6. 1961	Syrian Arab Republic	10. 8. 1965
Federal Republic of Germany	25. 2. 1954	Tunisia	12. 1. 1959
Guatemala	4. 8. 1961	United Kingdom	9. 6. 1963
Ivory Coast	5. 5. 1961	Uruguay	18. 3. 1954
Malawi	22. 3. 1965		

COSTA RICA

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

Article 2 of the Convention. There is no established system to guide labour inspectors in assessing the value of payments in kind, and this is a matter for their personal appraisal. The courts have power under sections 15 and 19 of the Labour Code to reduce any assessment considered excessive.

Article 3. Of the nine members of the National Wages Board, six represent employers' and workers' organisations. As the country is predominantly agricultural, the Board will always include a good proportion of representatives of the agricultural sector.

Article 4, paragraph 1. Minimum wage decrees are published in *La Gaceta*, in the principal newspapers, and in leaflet form.

SENEGAL (First Report)

Labour Code, No. 61-34 of 15 June 1961 (*Journal officiel de la République du Sénégal (J.o.R.S.)*, 3 July 1961, No. 3462) (*L.S.* 1962—Sen. 2 B).

Order No. 5645/ITLS/SM of 31 August 1953 to ensure that workers receive compulsory rations of essential foodstuffs and land for cultivation (*Journal officiel du Sénégal (J.o.S.)*, 31 Aug. 1953, No. 2834).

Order No. 2755/ITLS/SM of 13 April 1957 to establish, where there are no collective agreements, minimum wages for each category and long-service increments for workers in agriculture and related occupations (*J.o.S.*, 25 Apr. 1957, No. 3097, p. 416), as amended by Order No. 61-448 of 29 November 1961 (*J.o.R.S.*, 16 Dec. 1961, No. 3493).

Decree No. 61-291/PC/MF/PT/DTLS of 18 July 1961 to establish a national guaranteed minimum wage (*J.o.R.S.*, 29 July 1961, No. 3468, p. 1187).

Article 1 of the Convention. Since there are no employers' organisations in agriculture, there can be no collective bargaining in this sector, and the minimum wage is fixed by government order, issued after consultation with the National

Labour and Social Welfare Advisory Council, on which the most representative employers' organisations and agricultural workers' organisations are represented.

Members of a farmer's family who are employed by him are not covered by the labour legislation if they are not remunerated.

Article 2. Order No. 5645 of 31 August 1953 and section 5 of Decree No. 61-291 of 18 July 1961 deal with the supply of a daily ration of essential foodstuffs to workers and the refund value thereof.

Article 3. Reference is made to the information provided under Article 1. No recourse has been had to the exceptions provided for under paragraph 5.

Article 5. Minimum wages in agriculture were established by the order of 29 November 1961; they came into force on 16 December 1961 and have not changed since.

The labour and welfare services are responsible, in particular, for supervising the enforcement of laws and administrative regulations concerning minimum wages; their staff must visit all workplaces at least once a year.

* * *

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

Ceylon, Costa Rica.

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	Israel	9. 6. 1965
Brazil	25. 4. 1957	Italy	8. 6. 1956
Bulgaria	7. 11. 1955	Ivory Coast	5. 5. 1961
Byelorussia	21. 8. 1956	Libya	20. 6. 1962
Central African Republic	9. 6. 1964	Malagasy Republic	10. 8. 1962
China	1. 5. 1958	Malawi	22. 3. 1965
Colombia	7. 6. 1963	Mexico	23. 8. 1952
Costa Rica	2. 6. 1960	Norway	24. 9. 1959
Cuba	13. 1. 1954	Panama	3. 6. 1958
Czechoslovakia	30. 10. 1957	Paraguay	24. 6. 1964
Denmark	22. 6. 1960	Peru	1. 2. 1960
Dominican Republic	22. 9. 1953	Philippines	29. 12. 1953
Ecuador	11. 3. 1957	Poland	25. 10. 1954
Finland	14. 1. 1963	Rumania	28. 5. 1957
France	10. 3. 1953	Senegal	22. 10. 1962
Gabon	13. 6. 1961	Sweden	20. 6. 1962
Federal Republic of Germany	8. 6. 1956	Syrian Arab Republic	7. 6. 1957
Guatemala	2. 8. 1961	Ukraine	10. 8. 1956
Haiti	4. 3. 1958	U.S.S.R.	30. 4. 1956
Honduras	9. 8. 1956	United Arab Republic	26. 7. 1960
Hungary	8. 6. 1956	Yugoslavia	21. 5. 1952

COSTA RICA

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

The principle of equal pay for equal work (including the same working hours and qualifications) is embodied in all labour contracts, whether individual or collective, by virtue of section 21 of the Labour Code; any agreement to the contrary is null and void (section 11). No copies of collective agreements are sent to the competent authorities, since the practice has fallen into disuse and for reasons already given.

In accordance with many labour court rulings, it is considered that the principle of equal wages for work performed under equal conditions (section 167 of the Labour Code) is not applicable to workers engaged in continuous employment, since it is licit to allow an employer to apply different principles of wage determination in the case of new (or old) workers on grounds of length of service, experience or degree of instruction.

The Wages Bureau is responsible for job evaluation, in accordance with sections 59 to 62 of Act No. 1860 of 21 April 1955 to provide for the establishment of the Ministry of Labour and Social Welfare.

ICELAND

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that the Committee on Equal Wages awarded four wage increases

for women during the period 1962 to 1965 and that only two steps remain to be taken to achieve equal remuneration for men and women in accordance with Law No. 60 of 29 March 1961. After the last increase in January 1965, the hourly wage rate of women workers was approximately 5.2 per cent. less than that of men.

IRAQ (First Report)

Labour Law, No. 1 of 1958 (*Al-Waqayi' u al'Iraqiya*, 16 Mar. 1958, No. 4115), as amended by Laws Nos. 82 of 1958, 71 of 1959 and 184 of 1959 (L.S. 1961—Iraq 1 B).

Articles 1 and 2 of the Convention. The Labour Law contains provisions for the establishment of minimum wage boards on which workers and employers are equally represented, and for the fixing of minimum wages for workers in a particular industry, occupation, or for a group of workers. The decision of these boards (copies of two of which were appended to the Government's report) are equally applicable to men and women workers. The principle of equal remuneration is fully applied in the civil service; the civil service rules make no distinction in respect of remuneration paid to men and women.

Article 3. No methods for the appraisal of jobs have yet been adopted. Wages are agreed upon between the workers and the employers concerned, but the Government controls the wage rates by fixing minimum wages. No differentials between wage rates for men and women workers exist.

Article 4. Section 36 of the Labour Law provides for the co-operation of workers and employers.

LIBYA (First Report)

Labour Code, Royal Decree of 22 November 1962 (*Al-jarida al-rasmiya*, 24 Nov. 1962, No. 17) (L.S. 1962—Libya 1).

The principle of equal pay for male and female workers for work of equal value is embodied in the Labour Code, and no legislative instrument contradicts this principle.

SENEGAL (First Report)

Labour Code, Act No. 61-34 of 15 June 1961 (*Journal officiel de la République du Sénégal*, 3 July 1961, No. 3462, Extraordinary) (L.S. 1962—Sen. 2 B).

By virtue of section 104 of the Labour Code "where the work, professional qualifications and yield are the same, wages shall be equal for all workers, whatever their origin, sex, age and status". There has never been any discrimination between male and female workers with regard to remuneration.

* * *

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, Iceland, Iraq, Libya, Senegal.

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

GABON

For the Government's reply to a direct request made by the Committee of Experts, see under Convention No. 52.

FEDERAL REPUBLIC OF GERMANY

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

Article 8 of the Convention. Under section 13, paragraph 1, of the Federal Act respecting holidays, the right to an annual holiday may not be relinquished. Section 4, paragraph 4, of the Collective Agreements Act permits renunciation of holidays only over and above the basic period authorised.

Article 10. The Government and the representative workers' and employers' organisations consider that no further measures are necessary to ensure the application of the Convention.

The Government also communicated the texts of new legislation for various Länder.

ITALY

In reply to a direct request made by the Committee of Experts in 1965, the Government has communicated (a) a list of collective labour agreements in agriculture which have been given the force of law; and (b) a list of such agreements that have not been given the force of law.

MAURITANIA (First Report)

Labour Code, Act No. 63-023 of 23 January 1963 (*Journal officiel de la République islamique de la Mauritanie*, 20 Feb. 1963, No. 106) (L.S. 1963—Mau. 1).

Paid holidays in agriculture come under the general scheme (see under Convention No. 52).

MOROCCO

Article 6 of the Convention. In reply to a request made by the Committee of Experts, the Government has stated that it envisages inserting in the dahir of 9 April 1958, a provision allowing agricultural workers to spread their holidays with pay over several periods, provided that one of these periods consists of at least six working days comprised in the interval between two weekly rest days.

POLAND

In reply to a request made by the Committee of Experts, the Government has stated that article 70 of the collective agreement gives a list of the cases in which annual holidays may be postponed. Postponement may take place either because it is impossible for a worker to take his holiday at the proper time, in which case it must be granted as soon as possible thereafter; or because of important reasons related to his work, in which case the holiday cannot be postponed in successive years. As a result of these provisions, together with the control exercised by the unions, holidays can be postponed on account of work only in very exceptional cases.

SIERRA LEONE

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

Article 4, paragraph 1, of the Convention. About 5,618 workers covered by the Agricultural Wages Board are eligible for annual holidays. It is not possible to state the approximate number of agricultural workers not eligible for annual holidays since employers of less than six workers are not legally obliged to submit employment figures to the Ministry of Lands, Mines and Labour.

SWEDEN

Act No. 114 of 17 May 1963 respecting annual holidays (*Svensk Författningssamling (S.F.)*, 1963, No. 114) (*L.S.* 1963—Swe. 1), as amended by Act No. 100 of 29 April 1964 (*S.F.*, 1964, No. 100).

SYRIAN ARAB REPUBLIC

In reply to a request made by the Committee of Experts, the Government has stated that, under article 56 of the provisional Constitution of 1960, the decree of the President of the Republic ratifying the Convention gives the Convention the force of law. There is therefore no need to pass special legislation in order to implement Article 8.

UNITED ARAB REPUBLIC

Collection of Summary Opinions of the *Conseil d'Etat* respecting the Labour Code, the Social Insurance Code and Arbitration Awards, Part I (Cairo, 1962).

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

Article 5, clause (c), of the Convention. An opinion of the *Conseil d'Etat* states that a worker is entitled to holiday proportionate to his period of service, even if his first year of service has not been completed.

Article 11. The population engaged in agriculture in 1960 was 4,406,379; in 1965 organised labour in agriculture amounted to 376,502.

UNITED KINGDOM

Article 5 of the Convention. In reply to a direct request made by the Committee of Experts, the Government has supplied the following information.

The Agriculture Wages Board increased the annual holiday entitlement of whole-time long-service workers in England and Wales, with effect from November 1964, by two days after ten years of continuous service; three days after 15 years; and six days after 20 years. The Government added that, in Northern Ireland, the responsible authority intended to have discussions with the parties interested in the arrangements for holidays for agricultural workers, possibly before the end of 1965.

YUGOSLAVIA

Reference is made to the information supplied in respect of Convention No. 52.

The legislative procedure and the composition of the legislature ensures not only preliminary consultation with the trade unions and chambers of economy but also the direct participation of representatives of undertakings in the drafting and approval of new legislative instruments.

* * *

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, France, Federal Republic of Germany, Malagasy Republic, Morocco, Netherlands, Poland, Sierra Leone, Sweden, United Arab Republic, United Kingdom, Yugoslavia.

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

Austria, Cuba, Guatemala, Hungary, Israel, Norway, New Zealand, Peru, Senegal, Tanzania (Tanganyika).

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Countries	Ratification registered on	
Belgium ¹	26. 11. 1959	¹ Has accepted the provisions of Parts II to X.
Denmark ²	15. 8. 1955	² Has accepted the provisions of Parts II, IV to VI and IX.
Federal Republic of Germany ¹	21. 2. 1958	³ Has accepted the provisions of Parts II to VI and VIII to X.
Greece ³	16. 6. 1955	⁴ Has accepted the provisions of Parts V, VII and IX.
Iceland ⁴	20. 2. 1961	⁵ Has accepted the provisions of Parts V, VI, and X.
Israel ⁵	16. 12. 1955	⁶ Has accepted the provisions of Parts V, VII and VIII.
Italy ⁶	8. 6. 1956	⁷ Has accepted the provisions of Parts II, III, V, VI and VIII to X.
Luxembourg ¹	31. 8. 1964	⁸ Has accepted the provisions of Parts II to VII.
Mexico ⁷	12. 10. 1961	⁹ Has accepted the provisions of Parts II, III, V, VIII and IX.
Netherlands ¹	11. 10. 1962	¹⁰ Has accepted the provisions of Parts VI to VIII.
Norway ⁸	30. 9. 1954	¹¹ Has accepted the provisions of Parts II to IV and VI to VIII.
Peru ⁹	23. 8. 1961	¹² Has accepted the provisions of Parts II to V, VII and X.
Senegal ¹⁰	22. 10. 1962	¹³ Has accepted the provisions of Parts II to VI, VIII and X.
Sweden ¹¹	12. 8. 1953	
United Kingdom ¹²	27. 4. 1954	
Yugoslavia ¹³	20. 12. 1954	

ICELAND

National Insurance Act, No. 40 of 30 April 1963 (*Stjórnartíðindi*, 1963, A, p. 251) (*L.S.* 1963—Ice. 1).

Article 66 of the Convention. In reply to a direct request made by the Committee of Experts, the Government has provided explanations on how the wage of an ordinary adult labourer is calculated.

Article 69, clause (f). In reply to a direct request in this connection, the Government has stated that the legislation has been altered in respect of the point which was the subject of the request.

Article 70, paragraphs 1 and 3. In reply to a direct request in this connection, the Government has stated that the Social Security Institution is of the opinion that an appeal against a decision by the Chief Medical Officer as to the assessment of the degree of invalidity can be brought before a common court of law, but such a case has not yet arisen.

SENEGAL (First Report)

Order No. 7083 of 5 December 1955 to establish a family benefit scheme for wage earners.

Decree No. 57-245 of 24 February 1957 respecting compensation for and prevention of industrial accidents and occupational diseases in the overseas territories (*Journal officiel de la République française*, 28 Feb. 1957, No. 50, p. 2305) (*L.S.* 1957—Fr. 1), and regulations made thereunder.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 32 of the Convention. When an injured workman suffers from total or partial permanent incapacity, benefit is due whatever the degree of incapacity. No use is made of the provision permitting a widow's right to benefit to be made conditional on her being presumed to be incapable of self-support.

Article 33. Industrial accident legislation covers all wage earners; public officials are covered by the civil service rules.

The total number of wage earners thus protected is estimated at 100,000 (78,000 under the general scheme and 22,000 under the special civil servants' scheme).

The number of wage earners, which was recently determined by a census, has been modified by a corrective index, while the number of public officials is based on estimates.

Article 34. In case of either an industrial accident or occupational disease, all medical care is free of charge, whether provided at the worker's home or in hospital. There are no exceptions to this rule.

Benefit includes all measures necessary for the rehabilitation, retraining and the re-establishment of the worker in employment.

Article 36. Cash benefit consists of daily allowances in case of temporary incapacity for work and periodical payments in case of permanent incapacity for work or death of the breadwinner of the family. In calculating cash benefit, reference is made to the provisions of Article 65.

During the first 28 days of suspension of work, the daily allowance for temporary incapacity amounts to one-half of the average daily wage for the 30 days preceding the accident. Starting from the twenty-ninth day of incapacity for work, the allowance is increased to two-thirds of the said wage. The injured workman retains his right to payment of the full family allowance. No use is made of paragraphs 2 and 3 of Article 65. Hence the amount of the allowance plus the family allowances is always higher than the required percentage for all persons protected.

The pension due to a workman suffering from permanent incapacity for work or, after his death, to his dependants, is calculated on the basis of his full wages for the 12 months preceding the accident, which must be equal to at least 1.4 times the yearly minimum guaranteed wage. Above that figure, the basis of calculation is the full amount of wages if these do not exceed 470,243 francs and one-third of the amount of wages in excess of that figure, with an upper limit of 1,886,455 francs; earnings above the last-mentioned figure are not taken into consideration. Thus, the theoretical amount of wages on the basis of which the pension is calculated may not be more than 470,243 plus 472,071 francs, or 942,314 francs.

The pension is equivalent to the real or theoretical amount of wages, depending on the circumstances, multiplied by the incapacity rate, which is reduced by half as regards the part up to 50 per cent. and increased by half as regards the part in excess of 50 per cent.

For a workman suffering from total permanent incapacity, the maximum pension is equal to 100 per cent. of the maximum theoretical amount of wages; family allowances are paid over and above this pension. In case of death the survivor's pension is paid to the surviving spouse, children and relatives in the direct descending and ascending lines, at the following rates: spouse: 30 per cent. of the annual wages; children and descendants: 15 per cent. for each of the first two children and 10 per cent. from the third child onwards; ascendants: 10 per cent., subject to a maximum of 30 per cent. for all ascendants; the total of pensions paid to all survivors must not exceed 80 per cent.

Pensions due to an injured workman or his dependants are upgraded by the application of a co-efficient determined annually on the basis of the ratio of the average wage of all insured persons for the past year to that for the current year.

At the request of the beneficiary, if he is of age, pensions may be commuted for a lump sum if the incapacity rate is not more than 10 per cent. If the incapacity rate is between 10 and 50 per cent., the pension may be commuted to the extent of one-quarter of the capital; if the rate of incapacity is over 50 per cent., it may be commuted to the extent of one-half of the capital. Permission to commute a pension is granted on the advice of the labour inspector.

Article 37. All wage earners, whether nationals or aliens, are entitled to full medical care, daily allowances and pensions.

The rights of widows and children of workers killed in an industrial accident depend upon their residing in Senegal or in a country which has ratified the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19).

Article 38. Benefit is guaranteed for the entire duration of the contingency covered, without any waiting period.

An injured workman must submit to the checks ordered by the Fund. If he refuses, benefit is suspended until such time as those checks can be made.

PART VII. FAMILY BENEFIT

Article 40. The family benefit scheme grants benefit for pregnancy and confinement (a prenatal allowance and a household allowance) and for the support of children (a maternity allowance until the child has reached the age of 1 year and family allowances after the child's first birthday).

Family allowances are granted for each dependent child up to the age of 14, or 18 if the child is apprenticed, or 21 if he is a student or cannot perform remunerative work as a result of an infirmity or incurable disease. Benefit in kind is also granted for confinement and care of the mother and new-born child. Public officials are covered by a special scheme.

Article 41. Family benefit is payable to all wage earners.

Article 42. Clause (c) is applied. Family benefit consists, as a rule, of family allowances granted to wage earners who have dependent children and have worked for four months for one or more employers. The rate of such allowances is 650 francs per month per child.

Article 43. The qualifying period for family allowances is four consecutive months' work for one or more employers. No qualifying period is required of public officials.

Article 44. Clause (a) is applied. A typical wage is defined as the average amount of wages payable in the two wage areas at the level of the national minimum guaranteed wage for 1963 (44 and 40.92 francs per hour multiplied by 2,080 hours). On this basis, the typical wage amounts to 88,317 francs per year. The total amount of cash benefits paid out by the Fund (1,183,348,295 francs), added to its budget for health and family assistance (52,717,448 francs), amounts to 1,236,065,743 francs. The total number of wage earners registered with the Fund (118,388), multiplied by the typical wage, gives a total of 10,455,672,996. The total value of benefits paid out represents 11.82 per cent. of the last-mentioned figure. These figures do not include the special scheme for public officials.

Article 45. Family benefits may be suspended where the requirements concerning protection of the health of mothers and children have not been complied with or where it can be shown that allowances have not been used in the best interests of the child.

PART VIII. MATERNITY BENEFIT

Article 47. The benefits cover pregnancy and confinement and their consequences and, in the case of working women, loss of earnings.

Article 48. Clause (a) is applied. All women wage earners are protected.

Article 49. A pregnant woman is entitled to medical care, including hospitalisation, during the compulsory period of absence from work, at the direct expense of the

employer; if necessary, pregnant women receive care from the medical practitioners attached to the undertaking.

Article 50. The provisions of Article 65 have been applied. During the compulsory rest period for pregnancy and confinement, a woman wage earner is entitled to an allowance equal to one-half of the amount of the wages which she was actually receiving, and she continues to be entitled to the family allowances which she was receiving before suspending work. The basis for calculation is the monthly wage received before suspension of work.

Article 51. Periodical payments are due to all women wage earners who have worked for four consecutive months for one or more employers.

Article 52. Benefit is due for the whole period of maternity leave, i.e. 14 weeks (which may be extended to 17 weeks), including eight weeks after confinement.

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Article 65, paragraph 10. Pensions payable in respect of industrial accidents which cause death, or at least 10 per cent. permanent incapacity, are up-graded by application of a coefficient established each year in March, on the basis of the ratio of the average wage of all wage earners for the past year to that for the current year. That coefficient was 1.1 in March 1960 and 1.177 in March 1962.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Aliens residing in the country have the same rights as resident nationals.

PART XIII. COMMON PROVISIONS

Article 70. An appeal may be brought in the labour court against refusal to grant benefits for industrial accidents, or suspension of such benefits. An injured workman and his dependants are entitled to legal assistance. The rulings of the labour court are final up to a given amount; above that amount, an appeal may be brought before a justice of the peace by the court of first instance.

Article 71. Industrial accident insurance at the employers' expense is financed by a contribution calculated on the basis of the workers' ceiling wage (45,000 francs per month), using rates which vary according to the risk. Industrial accident and sickness benefits come under a special branch.

The family allowance scheme is financed by contributions from employers at a rate of 5 per cent. of the minimum wage of workers, and by a state subsidy of up to 250 francs per month per child.

Maternity benefit is financed by contributions from employers set at 0.2 per cent. of the workers' ceiling wage.

In 1963 industrial accident insurance funds amounted to 865,750,172 francs; maternity insurance funds amounted to 33,295,315 francs; and family benefit funds amounted to 398,251,936 francs.

Wage earners were not called upon to pay any contributions.

The mutual fund responsible for paying benefits is placed under state supervision.

Article 72. The persons protected are represented on the board of the mutual fund which manages the schemes.

PART XIV. MISCELLANEOUS PROVISIONS

Article 77. Wage-earning seafarers and seagoing fishermen are not excluded from existing schemes.

The labour and welfare services are responsible for the enforcement of the social security regulations. Their staff consists of one labour inspector and 11 supervisors who are located in the principal towns in each of the provinces and are required to visit all undertakings at least once a year.

* * *

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

103. Maternity Protection Convention (Revised), 1952

This Convention came into force on 7 September 1955

Countries	Ratification registered on
Brazil ¹	18. 6. 1965
Byelorussia	6. 11. 1956
Cuba	7. 9. 1954
Ecuador	5. 2. 1962
Hungary	8. 6. 1956
Spain ²	17. 8. 1965
Ukraine.	14. 9. 1956

Countries	Ratification registered on
U.S.S.R.	10. 8. 1956
Uruguay	18. 3. 1954
Yugoslavia	30. 4. 1955

¹ With the exception of the occupations and work specified in Article 7, paragraph 1 (b) and (c).

² With the exception of persons specified in Article 7, paragraph 1 (d).

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The report from *Ukraine* repeats the information previously supplied.

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
Brazil	18. 6. 1965	New Zealand	28. 6. 1956
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

LIBERIA (First Report)

Labour Law of 22 March 1956 (*Liberian Code of Laws of 1956*, Vol. I, p. 753).

Section 20 of the Labour Law provides for freedom of choice of employment. The legislation does not provide for penal sanctions to be applied to indigenous workers for breaches of contracts as defined in the Convention.

LIBYA

There are no penal sanctions for breaches of contracts by indigenous workers.

MOROCCO (First Report)

See under Convention No. 65.

NIGERIA

See under Convention No. 65.

UNITED ARAB REPUBLIC

Decree No. 3546 of 20 December 1962 to promulgate regulations for workers employed by companies administered by public bodies (*Al-jarida al-rasmiya* (*Aj.ar.*), 29 Dec. 1962).

Order No 96 of 1962 of the Ministry of Labour to prescribe the disciplinary penalties, rules and formalities applicable to workers (*Al-waqa'u al-misriya*, 6 Dec. 1962). (*L.S.* 1962—U.A.R 1).

Decree No. 800 of 29 April 1963 to provide for the conditions of service of persons employed by public bodies (*Aj.ar.*, 9 May 1963).

Ministerial Order No. 107 of 1963 respecting sanctions, rules and procedures relating to workers' discipline.

There are no penal sanctions for breaches of contracts of employment.

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

Cuba, Iran, New Zealand, Niger, Portugal, Syrian Arab Republic, Tunisia.

Western Samoa (non-member State).

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	Libya	13. 6. 1961
Argentina	18. 1. 1960	Luxembourg	24. 7. 1964
Australia	7. 6. 1960	Malaysia:	
Austria	5. 3. 1958	States of Malaya	13. 10. 1958
Belgium	23. 1. 1961	Sabah, Sarawak	3. 3. 1964
Brazil	18. 6. 1965	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	Singapore	25. 10. 1965
Federal Republic of Germany	22. 6. 1959	Somalia:	
Ghana	15. 12. 1958	ex-British Somaliland	18. 11. 1960
Greece	30. 3. 1962	ex-Trust Territory	8. 12. 1961
Guatemala	9. 12. 1959	Sweden	2. 6. 1958
Guinea	11. 7. 1961	Switzerland	18. 7. 1958
Haiti	4. 3. 1958	Syrian Arab Republic	23. 10. 1958
Honduras	4. 8. 1958	Tanzania:	
Iceland	29. 11. 1960	Tanganyika	30. 1. 1962
Iran	13. 4. 1959	Zanzibar	22. 6. 1964
Iraq	15. 6. 1959	Trinidad and Tobago	24. 5. 1963
Ireland	11. 6. 1958	Tunisia	12. 1. 1959
Israel	10. 4. 1958	Turkey	29. 3. 1961
Ivory Coast	5. 5. 1961	Uganda	4. 6. 1963
Jamaica	26. 12. 1962	United Arab Republic	23. 10. 1958
Jordan	31. 3. 1958	United Kingdom	30. 12. 1957
Kenya	13. 1. 1964	Venezuela	16. 11. 1964
Kuwait	21. 9. 1961	Zambia	22. 2. 1965
Liberia	25. 5. 1962		

ARGENTINA

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

While the legislation (concerning political activities) referred to by the Committee lays down penalties of imprisonment for activities in contradiction thereof, this does not necessarily imply the imposition of forced labour. The Penal Code provides for forced labour as an additional penalty, but in practice the relevant clause is applied restrictively, and in the case of offences of a political nature compulsory labour is not imposed.

The penalties which may be imposed on persons following the prohibition of certain political parties are not of a personal nature but merely provide for the closing of the premises in which the political activities are carried on. The relevant general provisions are applicable to any offences committed under the guise of engaging in political activities.

The State may prohibit parties whose activities are prejudicial to the nation.

The information requested concerning the application of a number of legislative provisions cannot be supplied because there are no statistics.

Finally, the Government has pointed out that none of the offences in question relates to trade union matters; they are of a political nature and therefore irrelevant to the text and spirit of the Convention.

BELGIUM

Penal Code of 1867.

Disciplinary and Penal Code for the Merchant Navy and Maritime Fishing Vessels, 1928.

Act of 19 August 1958 respecting peacetime civic service, as amended by the Act of 10 June 1963.

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

With regard to section 10 of the Disciplinary and Penal Code for the Merchant Navy and Maritime Fishing Vessels and the examination of its provisions in the light of Article 1, clause (c), of the Convention, this question is now being thoroughly reviewed by the competent department.

In section 236 of the Penal Code (which relates to collective resignation by officials), the intention of the legislators was to prevent acts likely to prejudice continuity in the administration of justice and the work of legal services. As a result, that section refers both to career officials and executive agents of the State, the provinces and the municipalities, and to those of establishments and associations constituted under public law.

Only one administrative measure has been taken in pursuance of section 2*bis* of the Act respecting peacetime civic service—the adoption of the royal order of 12 April 1964 to determine measures and services to ensure the provision of medical care.

Sections 275 and 276 of the Penal Code make it an offence to proffer outrage in words or by deeds, gestures or threats. According to legal doctrine and case law, outrage consists of any insulting form of expression directed against an official or his duties. The concept is a very broad one and covers all kinds of attack against the honour of an official or the respect due to him; it may take the form of deeds which would not be punishable if they were directed against private individuals.

Section 268 of the Penal Code, which restricts the freedom of ministers of religion to manifest their opinion concerning measures taken by the public authorities, is the corollary of the protection extended to such ministers in the performance of their religious duties by sections 145 and 146 of the Penal Code. The intention is to prohibit such persons from taking undue advantage of their moral authority to attack the civic authorities publicly.

Section 3 of the press decree of 20 July 1831 punishes any person who malignantly and publicly attacks either the constitutional authority of the King or the inviolability of his person or the constitutional rights of his dynasty. These offences are characterised by a particular aggravating circumstance—malignant intent—so that the section cannot apply to any normal questioning of the rights of the Crown.

Section 1 of the Act of 1852 respecting the repression of offences committed against heads of foreign governments has only rarely been a ground for prosecution.

The royal order of 1926 punishes the conscious, wilful spreading among the public of information which, even though it may be true, is of a nature to discredit the State. The preamble of the order and the text of section 1 thereof show clearly that the order does not encroach upon the constitutional freedom to express an opinion on any subject whatsoever.

CANADA

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

The inmates of correctional institutions may be required to perform certain duties which are regarded as desirable for their rehabilitation.

The observations of the Committee of Experts regarding the employment of prisoners by private undertakings under a provision of the Dominion Prisons and Reformatories Act, which is not in effect, have been noted.

Organisations of shipowners and seamen will be consulted in connection with a review of certain disciplinary offences under shipping legislation. This review has not yet been completed.

A review of reported cases under section 164 of the Criminal Code (vagrancy) does not indicate any decisions relevant to the observation made by the Committee of Experts.

Under section 166 of the Criminal Code the accused must wilfully publish a tale or news that he knows is false; the prosecutor must prove such knowledge and that the publication is of a nature which is likely to cause injury or mischief to the public interest. This provision is clearly not contrary to Article 1, clause (a), of the Convention.

COSTA RICA

Act No. 3550 of 2 October 1965 respecting vagrancy, begging and abandonment (*La Gaceta*, 9 Oct. 1965, No. 229).

CUBA

In reply to a direct request made by the Committee of Experts, the Government has stated that forced labour cannot be exacted in any circumstances whatsoever. Penitentiary rules comprise an obligation to work but section 26, paragraph 5, of the Act of 7 February 1959 provides that political or social detainees and prisoners cannot be compelled to perform work of any nature or subjected to penal regulations applicable to ordinary prisoners.

DENMARK

In answer to a request made by the Committee of Experts, the Government has stated that, during any future discussion concerning the revision of the Scandinavian Seamen's Acts, attention will be paid to the question of amending section 52 of the Danish Seamen's Act (concerning failure by a seaman to go on board ship).

FINLAND

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

During the period 1951-62 there were no prosecutions under Chapter XI of the Penal Code.

A joint body has discussed the revision of the Seamen's Act since 1964 and the seamen's organisations have proposed the re-examination of sections 52 and 78 of the Act relating to certain disciplinary offences. The revision of the Act will also be discussed with the other Nordic countries.

FEDERAL REPUBLIC OF GERMANY

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

The Bill to supplement the Act to provide for the limitation of certain constitutional rights in the event of a threat to external or internal security was not adopted by Parliament.

No statutory provisions restrict freedom of the press, publications or any other information media. No criminal proceedings can be brought in respect of dissemination of false news or cessation of work.

The compatibility of section 114 of the Seamen's Act regarding disciplinary penalties with the provisions of the Convention is still being discussed between the Government and the employers' and workers' organisations concerned. The German Confederation of Trade Union's view is that this section should be deleted because there is no justification for such far-reaching penal provisions in respect of breach of employment contracts in maritime navigation.

In accordance with the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 2, paragraph 2 (c), of the Forced Labour Convention, 1930 (No. 29), work exacted from persons sentenced to deprivation of liberty by due process of law on the basis of the penal provisions in force is not forced labour within the meaning of the Convention. Paragraphs 11 and 161 of the general conclusions on forced labour reached by the Committee of Experts in 1962 do not call for any different attitude in this respect. The application of the sections of the Penal Code mentioned in the Committee's request is therefore not relevant to the implementation of the Convention.

ICELAND

Seamen's Act, No. 67 of 1963.

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

The provisions of the Criminal Code relating to insults against the President, foreign States or their representatives, etc., and article 73 of the Constitution, concerning the dissolution of societies, have never been invoked.

Section 81 of the Seamen's Act of 1930 (now replaced by section 81 of the above-mentioned Act), concerning disobedience by a seaman towards a superior, has never been invoked.

IRAN

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

The Penal Code was approved in 1926, and the Act respecting the work of prisoners, which clearly stipulates that forced labour may not be exacted from political prisoners, was approved in 1936. The latter instrument, enacted for the interpretation of the previous one, is the authoritative text in this field.

As vagrancy is considered an offence, it lies with the courts to decide whether a person is a vagrant.

In view of the fact that no difficulty has yet been met with in this connection, no penalties have been provided for refusal to comply with a decision of the Ministry of

Labour, in connection with section 46 of the Labour Act (which refers to the settlement of collective disputes).

Even in case of *force majeure* the public authorities are not entitled to exact forced labour, and the members of any community act of their own free will in contributing to the removal of danger.

New regulations concerning cinemas and theatrical undertakings are now being drafted; once they are approved, the texts thereof will be communicated to the International Labour Office.

IRAQ

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

The Tribal, Civil and Criminal Disputes Law has been superseded by Law No. 50 of 1958.

Article 1, clause (a), of the Convention. The Government has asked for an indication of the purpose of the request relating to provisions concerning internal security, public order, public meetings, associations, propagation of certain doctrines, etc.

Clause (b). Reference is made to the information supplied in respect of Convention No. 29.

IVORY COAST

Decree No. 64-453 of 20 November 1964 respecting penalties for infringements of the Labour Code (Act No. 64-290 of 1 August 1964) (*Journal officiel de la République de la Côte d'Ivoire*, 1964, p. 1635).

In reply to a direct request made by the Committee of Experts, the Government has stated that political offences are those committed with the intention of damaging the organisation and activities of the public authorities, and particularly crimes against the safety of the State, offences of association, political assembly, mob gatherings and press offences.

Section 3 (a) of the above-mentioned decree prohibits forced or compulsory labour.

KENYA

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

Although the Detained and Restricted Persons (Special Provisions) Act has not been repealed, it is no longer used. Subsections 2 and 3 of section 3 of the Preservation of Public Security Act, relating to restriction of residence, societies, meetings, etc., are still in effect and are essential for security reasons. For the same reasons, recourse to section 4 of that Act has been found necessary. Detainees under this Act are not required to work. No orders or directions have been issued under section 9, subsection 2, of the Control of Detained Persons Act.

Some societies have been refused registration or have had their registration cancelled under the Societies Act on security grounds. Individual members of a society which has been de-registered or refused registration are not thereby penalised by imprisonment or otherwise. Persons convicted for offences under the Societies Act, sections 10 and 17 of the Public Order Act (display of political flags, banners, etc., at a public meeting or procession), section 53 of the Penal Code (prohibited publications), the Laibons Removal Act (compulsory removal and resettlement of Laibons, prohibition of public meetings, etc.), or sections 71 and 72 of the Penal Code (managing or being a member, etc., of an unlawful society), are not sentenced to prison labour

on the mere ground that they hold political opinions contrary to the established political, social or economic system.

It is not intended to apply section 5 of the Public Order Act (control of public gatherings).

There have been no convictions under the sections of the Penal Code relating to sedition, seditious publications, subversion, etc.

There have been 5,127 convictions under the Vagrancy Act.

It is not possible at this stage to indicate what measures may be contemplated regarding the Second Schedule to the African Exemption Act (exemption of Africans exercising certain professions from the application of certain laws).

KUWAIT

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

There are no laws providing for compulsory labour in cases of emergency.

If sections 9 to 11 of the Press and Publications Act, 1956 (concerning publication of a newspaper without licence) were violated, the publication of the newspaper in question would be considered illegal. In practice this Act is in conformity with the provisions of the Convention. The Government has supplied information on the practical application of certain provisions of the Act as well as of certain other provisions regarding public order, societies and meetings.

Termination of an official's service is governed by section 144 of Decree No. 7 of 1960 respecting the civil service.

MALI (First Report)

Forced or compulsory labour does not exist in Mali.

MALTA

Constitution.

Emergency Powers Act, 1963.

In reply to a direct request made by the Committee of Experts, the Government has stated that no recourse has been had to the Emergency Powers Act. The work carried out by prisoners is part of their rehabilitation.

Reference is also made to the information supplied in respect of Convention No. 29.

MEXICO

In reply to a direct request made by the Committee of Experts, the Government has stated that sections 3 (I) and (II) and 6 of the Press Act, 1917, have no connection with the Convention, principally because a breach of those provisions is not punishable by forced labour.

The Federal Labour Act, moreover, does not provide for sanctions for participation in a strike as such, but only for acts of moral or physical coercion or violence and acts preventing or hampering the carrying out of measures taken by the public authorities to enable workers who have not abandoned their work to continue it, or workers who have left their work to return to it when the strike is declared non-existent or unlawful by the conciliation and arbitration committee (sections 262, 269 and 269bis). The penalties provided for under section 262 do not involve forced labour.

NETHERLANDS

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

The Bill tabled by the Ministry did not include the present text of section 96, paragraph 3, of the Penal Code. In the course of the parliamentary discussions concern was expressed that this section should not jeopardize freedom of thought and action. It was felt desirable to stress that the section should only be applicable to acts constituting an offence under sections 92 to 95. An amendment to that effect was tabled by the Minister of Justice even though he considered it to be superfluous. Current legal opinion is that the apprehension which gave rise to the amendment was groundless.

The acts listed in the first two paragraphs of section 96 of the Penal Code have not been made punishable, in consideration of sections 123, 143, and 179 of the Code. According to the general provisions of the Penal Code, various attempted offences and forms of complicity in the offences referred to above and specifically described in legal doctrine and case law (among which are those mentioned in sections 123, 143 and 179) do not fall within the scope of penal law unless they involve an overt offence.

As there has never been any doubt in this connection, the Government feels that it is unnecessary to insert a saving clause, corresponding to section 96, paragraph 3, of the Penal Code, with respect to the above provisions.

As can be seen from the ministerial declaration of 27 April 1965, the Government does not propose to define its position on the regulation of the right to strike until it has had time to consider the advice given by the Labour Institute. In this connection, and also with a view to ratifying the European Social Charter, the prohibition of the right to strike of officials and employees of the railways will be examined.

In the light of Article 1, clauses (c) and (d), of the Convention, the Government is prepared to re-examine sections 398 and 399 of the Penal Code and to consult the employers' and workers' organisations in the merchant shipping and maritime fishing sector on this matter.

NIGERIA

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

The information asked for on certain cases of seditious offences under section 51 of the Criminal Code will be supplied as soon as it is available.

Recourse has been had to the Emergency Powers Act, 1961, in a period of political crisis, but no person was convicted in contradiction of the provisions of the Convention and no one was made to perform labour.

Certain provisions of the Merchant Shipping Act, 1962, regarding discipline of seamen, have been submitted to the Federal Ministry of Justice, whose comments will be provided as soon as they are available.

NORWAY

In reply to a request made by the Committee of Experts, the Government has stated that a proposal to revise the Seamen's Act, including section 52 concerning the compulsory return of seamen on board ship, in co-operation with the other Scandinavian countries, will be discussed by a special committee comprising representatives from the organisations concerned.

PHILIPPINES

In reply to a direct request made by the Committee of Experts, the Government has supplied information on certain cases under the Anti-Subversion Law, Republic Act No. 1700. It has added that, since the Communist Party is a conspiracy organised to overthrow the Government by violence, force, deceit, and other subversive or illegal means, and not a political party in the proper sense, violations of section 4 of the Law are merely crimes against public order and do not have a political character, and labour exacted from persons sentenced under that Law is not forced labour in the sense of Article 1, clause (a), of the Convention.

Act No. 358 has been applied only to public utility services such as gas, electricity, power and transport services.

Section 11 of the Industrial Peace Act prohibits employees of the Government or its political agencies from going on strike; it has been interpreted by the Supreme Court as restricting the scope of the prohibition to employees occupied in governmental functions, and not to those employed in the proprietary functions of the Government. Section 10 of the same instrument allows strikers in an industry which the President certifies to be indispensable to the national interest to be requisitioned by injunction. In both cases these services may be classified among those in which an interruption of work would lead to a situation of emergency. The texts referred to, together with Act No. 358, are compatible with Article 1, clause (d), of the Convention.

POLAND

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

Work exacted from imprisoned persons (regardless of the type of offence for which they are imprisoned) is not considered a penalty as such. The obligation to work is laid down in the interests of the prisoners themselves (as a means of helping them to acquire a liking for work, providing them with vocational training, etc.). Moreover, prisoners perform work which is useful for the community.

The ordinance of 9 May 1949 of the President of the Council of Ministers respecting the press does not provide for any penal sanctions.

The new Bill to eliminate prison sentences from the range of penalties for failure on the part of a seaman to carry out his duty on board a ship of the merchant navy has still not come into force.

The legislation provides no sanctions for taking part in strikes or expressing or manifesting beliefs or opinions contrary to the established order.

Measures of labour discipline do not have the character of penal sanctions and are not the subject of court rulings.

PORTUGAL

Legislative Decree No. 46731 of 9 December 1965 to establish a National Employment Service (*Diário do Governo (D.G.)*, 9 Dec. 1965, No. 278).

Decree No. 46251 of 19 March 1965 to repeal Ministerial Order No. 24 of 9 May 1961 (*D.G.*, 19 Mar. 1965, No. 66).

In reply to observations made by the Committee of Experts, arising out of recommendations of the Commission appointed to examine the observance of the Convention by Portugal, the Government has supplied the following information.

Paragraph 735 of the Commission's report. Ministerial Order No. 24 of 1961 was explicitly repealed by the above-mentioned Decree No. 46251.

Paragraph 738. The Government agrees that it would be ideal to replace recruited workers by labour spontaneously offering its services, and progress is being made

in this direction. However, the fact remains that in certain parts of the world this is impracticable due to such factors as long distances, expensive journeys and the general attitude of a population still living in a mixed economy. The practice of recruitment cannot be abolished at one stroke, but should rather be regulated so as to prevent abuses, e.g. through the labour inspectorate, which has been extremely effective.

Direct recruitment of manpower by employers is preferred in principle and the fact that the number of workers so recruited increased from 60,413 in 1963 to 73,588 in 1964, whereas the number of workers obtained by professional recruiters decreased by more than 7,000 during the same period, shows that this policy has been followed. It is hoped that the establishment of the National Employment Service (provided for by the above-mentioned Legislative Decree No. 46731) will solve the problems of the smaller firms which sometimes are unable to recruit workers directly.

The Diamond Company obtains the bulk of its permanent workers from the areas in which it operates, but is compelled to bring in workers from elsewhere to fill the arduous or heavy jobs. The Government's report supplied detailed statistics regarding the number of workers employed, from which it appears that the proportion of immigrant workers with written contracts in relation to the total number of workers has decreased from 33.81 per cent. in 1960 to 29.88 per cent. in 1964. Recruitment of workers is carried out by the Company's employees who tour the Lunda and Malanje districts, where there is a labour surplus. These workers are offered jobs for a specified period (usually 12 months) subject to the conditions prescribed by law. The authorities ascertain that the worker is going of his own free will and without any direct or indirect coercion. In its recruitment operations, the Company is subject to direct supervision by the Labour, Social Security and Social Welfare Institute. The Company and the areas of recruitment are also regularly visited by labour inspectors, and in 1964 a recruitment area was visited by the Chief of the Labour Department and by the President of the Labour, Social Security and Social Welfare Institute himself. The inspections did not reveal any serious abuses in the Company's recruitment operations. Some minor shortcomings (e.g. as regards standards of accommodation and conditions during the journey to the place of employment) were quickly remedied. The Company no longer has the exclusive right to recruit workers in the Lunda district. The number of workers from Lunda employed outside the district in 1964 was 1,067.

Inspections have revealed no evidence that the traditional chiefs (*sobas*) participate in any way in the recruitment of workers for the Company or any other employer.

Paragraph 741. In Angola the Luanda Port and Railway Authority decreased the number of permanent staff (contract workers) employed in the port from 1,037 in 1961 to 661 in 1965; whereas in 1961 there were no locally engaged staff, in 1965 there were 666. Such an improvement has not been possible with regard to the railway for a number of reasons (e.g. the irregular working hours and the existence of coffee plantations which are more popular with the workers). The wages of the locally engaged staff were raised in August 1961.

The Lobito Port Authority and the Benguela Regulatory Board have also pursued a policy of cutting down the number of recruited workers. Whereas in 1961 the Board employed 1,011 workers from outside the area, in 1965 the number had been reduced to 300. The number of workers engaged locally increased during that period from 290 to 1,054. During the period the monthly wage has remained the same, but the cost of food, clothing and medical care, which are provided in addition to the wage, has risen appreciably.

The Moçâmedes Port and Railway Authority virtually abandoned the usual system of recruitment in 1963; the port of Lobito is cutting it down by 20 per cent. each year; and the Luanda Port and Railway Authority is also endeavouring to reduce it, although more slowly.

In *Mozambique* the Ports, Railways and Transport Authority employs spontaneously offered labour, of which there is no shortage.

Paragraph 744. The rules of operation of the Independent Board of Roads of Angola have been approved but not yet published. The Government has supplied detailed information on wages and other conditions of work of unskilled labour offered by the Board. The Board does not recruit workers.

Paragraph 749. The Cassequel Agricultural Company normally employs two methods of obtaining labour—(a) taking on workers who apply at its offices, and (b) recruiting the remainder in their areas of origin. In 1964 there was a slight increase in the number of recruited workers, but, on the whole, there have been no big fluctuations in the number of workers employed during the period 1958-64. Since the Rural Labour Code came into force there has been a marked improvement in wages in the form of goods and services. Over the last three years the average increase in the cash wage per worker ranged from 50 to 120 escudos. The shortage of manpower in the local area makes it necessary to bring in workers from other areas and in such cases the Company prefers to attract them by written contracts because of the safeguards these afford. Many of the workers spontaneously apply to remain with the Company after their contracts have expired. In 1964 there was an increase in the number of workers applying for employment spontaneously at the place of work. The Company's policy of attracting workers by verbal contracts has been stepped up (e.g. by establishing a network of direct contacts in various districts). About 50 per cent. of the workers come from areas approximately 500 miles away and about 20 per cent. from areas approximately 200 miles away.

Paragraph 750. The progressive expansion in technical and financial assistance and the rise in the prices paid for cotton have contributed to the native population's becoming increasingly interested in cultivating cotton.

Paragraph 754. The report of the labour inspectorate of *Angola* for 1964 was appended to the Government's report.

In *Mozambique*, in addition to the 11 inspectors and assistant inspectors already on the establishment, a further two inspectors and four assistant inspectors are about to be taken on shortly.

Paragraphs 762 and 763. Legislative Decree No. 46731 mentioned above is a decisive step forward in the application of a manpower policy to meet the needs of all Portuguese territories.

In *Angola* a small public employment office is in operation experimentally in Luanda. As a basis for an employment service, two workers' transit camps have been set up, four others are being built, and it is hoped to build 20 more next year.

In *Mozambique* efforts are being made to ensure that all branches and sub-offices of the Labour, Social Security and Social Welfare Institute act as public employment offices for local workers.

RWANDA

See under Convention No. 4.

SINGAPORE

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

The Constitution prohibits all forms of forced labour; however, compulsory service for national purposes may be provided for by law. The Constitution also protects the right of freedom of speech and expression, of peaceful assembly and to form associations.

There is strictly no "political" offence in the laws of Singapore; persons committing offences against the State may be motivated by political reasons, but are not therefore at liberty to use unlawful means to achieve their purposes.

With regard to offences under the Printing Presses Ordinance and the Undesirable Publications Ordinance, it is generally recognised by all democratic governments that freedom of speech and expression cannot be unlimited. In exercising its discretion to grant permission to publish or to prohibit publications under the above ordinances, the Government adheres to the principle of freedom of speech. The purpose of the restrictions is not to punish persons holding a political view, but to prevent subversion of democratic government by persons using unlawful means, through the guise of free speech. Many years of armed terrorist activities, accompanied by propaganda openly advocating the violent overthrow of the established social and political order, and a threatened invasion make it highly essential to impose restrictions on the spread of false propaganda by outside forces.

The above explanations equally apply to section 9, paragraph 1, of the Criminal Law (Temporary Provisions) Ordinance concerning subversive documents.

The State Prisoners Ordinance is redundant and will no doubt soon be repealed.

Detainees under section 47 of the Criminal Law (Temporary Provisions) Ordinance are not required to work. The grounds for detention comprise every conceivable criminal act, in particular in connection with secret societies.

Detainees under section 3, paragraph 1, of the Preservation of Public Security Ordinance (concerning maintenance of public order and essential services, etc.) are not required to work, except as directed by the superintendent.

Section 49 A, paragraph 1, of the Criminal Law (Temporary Provisions) Ordinance and section 3, paragraph 1, and section 4 of the Preservation of Public Security Ordinance (concerning restrictions on employment or activities) are not intended as a means of political coercion but are designed to deal with certain criminal activities (e.g. secret societies) and subversive activities aimed at overthrowing, by violent means if necessary, the established order of the country. After open-armed terrorism aiming at establishing a totalitarian dictatorship turned out to be unsuccessful, certain groups now aim at capturing power by infiltrating into the ranks of established organisations (the trade unions, etc.) and even the legislature. Their methods are beguiling because they are peaceful for the moment. The danger to society, to which, unfortunately, Western standards cannot be applied, is in the blatant lies and half-truths conveyed to semi-literate pupils. The provisions are necessary to protect the security and public order of the State from persons exploiting democratic processes to further their own ends for a course aimed at preventing the very use of such democratic processes. To ensure compliance with these laws there must be provision for penalties, but such penalties are not meant to establish a form of forced labour as a means of political coercion.

The arguments for having provisions such as sections 4 and 14 of the Societies Ordinance and section 3 of the Criminal Justice (Temporary Provisions) Ordinance (concerning compulsory registration of political parties, dissolution, etc.) are similar to those set out above. It is necessary to maintain vigilance over Communist organisations and over secret societies indulging in ordinary criminal activities. These provisions are not used to impose forced labour as a means of political coercion.

Sections 126, 127, 128, 130 and 131 of the Merchant Shipping Ordinance and section 2 of the Admiralty Transport Ordinance (concerning disciplinary offences by seamen) will be considered in connection with a major revision of the Merchant Shipping Ordinance.

Section 60 of the Post Office Ordinance, penalising postal employees who leave work without giving notice, acts as a deterrent since postal services are an essential

service. This section has never been enforced in practice because a postal employee can terminate his employment by giving one month's notice.

Section 3, paragraph 1, and section 3 B of the Trade Disputes Ordinance (concerning illegal strikes calculated to coerce the Government) prevent the use of strikes by subversive political elements to embarrass the Government and to cause general alarm and disorder. They do not punish the ordinary worker for taking part in legitimate strikes.

SWEDEN

In reply to a request made by the Committee of Experts, the Government has stated that an expert committee, comprising representatives of the organisations concerned, is studying the revision of the Seamen's Act, and that sections 52 and 77 (i) of the Act relating to certain disciplinary offences will be considered by that committee.

SWITZERLAND

See under Convention No. 29.

SYRIAN ARAB REPUBLIC

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

Law No. 156 of 1960 respecting the reorganisation of the press, Law No. 47 of 1953 respecting associations and parties and Law No. 162 of 1958 respecting a state of emergency have been repealed. Law No. 100 of 1952 respecting political activities among students, and Law No. 2 of 1958 respecting the dissolution of political parties are still in force, but are practically never applied. As regards the application of certain other provisions, the Government has pointed out that, under section 51 of the Penal Code, prisoners are only obliged to work if the sentences so provide. Moreover, the employment of prisoners is not used for any of the purposes mentioned in Article 1, clause (a), of the Convention and sanctions are imposed only in cases of activities prohibited by law.

No state of general mobilisation has so far been proclaimed under Law No. 87 of 1960.

There is no merchant navy in the country and the Maintenance of Security, Order and Discipline (Merchant Navy) Law, 1960, is accordingly not applicable.

TURKEY

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

Persons sentenced to imprisonment under sections 141, 142 and 241 of the Penal Code (concerning associations and propaganda aimed at disturbing or overthrowing the social or economic order of the State and censuring by ministers of religion of laws, official acts, etc.) are not required to perform labour as a means of political coercion or as a punishment for expressing political or other views.

The Law of 1931 respecting the press was repealed in 1950 by Act No. 5680.

The holding of indoor meetings by political parties is governed by the Associations Act, No. 3512 of 1938.

There have been no cases of suspension of constitutional guarantees or declaration of a state of siege or emergency during the period under review.

No laws or regulations restrict freedom of residence for the purpose of social, economic or agricultural development.

A seaman running away from his ship to avoid his duties may be brought back to the ship in case of necessity.

Persons participating in an illegal strike may, if convicted, be required to perform labour not "as a punishment for having participated in strikes" but because they have been sentenced to imprisonment.

UGANDA

Constitution (Legal Notice No. 251 of 1962).

The Constitution prohibits forced or compulsory labour, with exceptions corresponding to those contained in Article 2, paragraph 2, of the Forced Labour Convention, 1930 (No. 29).

* * *

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

Belgium, Canada, Cuba, Kenya, Kuwait, Malaysia (States of Malaya, Sarawak), Malta, Netherlands, Philippines, Poland, Portugal, Singapore, Syrian Arab Republic, Tanzania (Tanganyika), Turkey.

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

Australia, Austria, Cameroon (Western Cameroon), Cyprus, Guatemala, Israel, Libya, Malaysia (Sabah), Niger, Uganda, United Arab Republic, United Kingdom.

106. Weekly Rest (Commerce and Offices) Convention, 1957

This Convention came into force on 4 March 1959

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	16. 5. 1963	Kuwait	21. 9. 1961
Brazil ¹	18. 6. 1965	Mexico ²	1. 6. 1959
Bulgaria	22. 7. 1960	Pakistan ³	15. 2. 1960
Costa Rica	4. 5. 1959	Portugal	24. 10. 1960
Cuba	2. 6. 1958	Syrian Arab Republic	23. 10. 1958
Denmark	17. 1. 1958	Tunisia	28. 5. 1958
Dominican Republic	23. 6. 1958	United Arab Republic	23. 10. 1958
Ghana	15. 12. 1958	Yugoslavia	13. 10. 1958
Guatemala	9. 12. 1959		
Haiti	4. 3. 1958		
Honduras	20. 6. 1960		
Iraq	5. 7. 1960		
Israel	19. 6. 1961		
Italy	12. 8. 1963		

¹ The Convention also applies to the establishments specified in Article 3, paragraph 1, with the exception of those provided for in (b).

² The Convention also applies to the establishments specified in Article 3, paragraph 1.

³ The Convention also applies to the establishments specified in Article 3, paragraph 1 (c).

COSTA RICA

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

Article 3 of the Convention. A draft declaration accepting the obligations of the Convention with respect to the establishments specified in paragraph 1 of this Article is being prepared for submission to the legislature.

Article 8. The last paragraph of section 152 of the Labour Code, which provides for cumulative compensatory rest, is the only derogation from the rule that work on the weekly rest day is forbidden, laid down in the second paragraph of that section. The provision for double payment by the employer in the case where a worker is obliged to work on the weekly rest day is a sanction additional to that provided for in section 612.

Decisions of the Labour Department regarding cumulative compensatory rest are rare and difficult to locate.

ITALY (First Report)

Constitution (article 36, paragraph 3).

Civil Code (section 2109, paragraph 1).

Act No. 973 of 16 June 1932 respecting public holidays and weekly rest and opening and closing hours in commerce (*Gazzetta Ufficiale (G.U.)*, 20. Aug 1932, No. 192, p. 3766).

Act No. 370 of 22 February 1934 respecting the Sunday and weekly rest (*G.U.*, 17 Mar. 1934, No. 65, p. 1366) (*L.S.* 1934—It. 3), as amended by Act No. 2466 of 11 December 1952 (*G.U.*, 3 Jan. 1953, No. 2, p. 24).

Presidential Decree No. 3 of 10 January 1957.

Collective Labour Agreement of 14 May 1964.

Articles 2 and 3 of the Convention. The legislation applies to all the activities enumerated in these Articles.

Article 4. There appear to be no ill-defined activities necessitating a decision by the competent authorities.

Article 5. Act No. 370 excludes from the provisions of the Convention certain relatives of the employer who live with him and are maintained by him and also technical or executive directors of an undertaking.

Article 6. Commercial and office workers are entitled to a weekly rest of 24 consecutive hours which, subject to exceptions, must fall on a Sunday. There is a trend towards a five-day week, whereby workers are granted a weekly rest period of 48 hours.

Article 7. The weekly rest day may fall on a day other than a Sunday and by rotation in undertakings in continuous operation, of a seasonal nature or of public utility. In such cases the labour inspectorate may, at the request of the employer and after consultation with the representative workers' organisations, reduce the weekly rest period to 12 hours.

Article 8. Temporary exemptions as envisaged in this Article may be authorised by the labour inspectorate.

Article 9. The worker's right to weekly rest does not involve any reduction in his remuneration.

Articles 10 and 11. The application of the weekly rest provisions is supervised by the labour inspectorate. Act No. 2466 has increased the penalties prescribed by Act No. 370.

MEXICO

Article 3 of the Convention. Under a decree published in the *Diario Oficial* of 21 August 1959 a declaration embodying this principle was issued and is appended to the text in which the Senate indicated its approval of the Convention.

Articles 7 and 8. Due consideration will be given to the possibility of the various federated states adopting regulations similar to those of 20 December 1919 applicable in the Federal District.

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	India	29. 9. 1958
Belgium	19. 11. 1958	Malawi	22. 3. 1965
Bolivia	12. 1. 1965	Mexico	1. 6. 1959
Brazil	18. 6. 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

COSTA RICA (First Report)

Constitution, 1949.

Act No. 124 of 17 August 1943 to ratify the Convention establishing the Inter-American Indian Institute.

Presidential Decree No. 45 of 3 December 1945 to declare the land of the Indian tribes to be inalienable and to establish a Protection Committee for the Aboriginal Populations (*La Gaceta (L.G.)*, 6 Dec. 1945, No. 275, p. 2157).

Act No. 533 of 25 July 1946 to create an Indian Protection Fund.

Legislative Decree No. 346 of 14 January 1949 to give legal personality to the Protection Committee for the Aboriginal Populations.

Presidential Decree No. 1 of 3 January 1950 to list the indigenous schools in the reservations at that date.

Presidential Decree No. 34 of 15 November 1956 to establish boundaries for the Indian reservations.

Land Settlement Act No. 2825 of 14 October 1961 (*L.G.*, 25 Oct. 1961, No. 242, p. 4085).

Article 1 of the Convention. In 1963 the aboriginal populations numbered about 5,000 and consisted of the Bribris in the provinces of Puntarenas and Limón; the Borucas and the Terrabas in the province of Puntarenas; the Cabécares in the provinces of Limón, Puntarenas and San José; and the Guatusos in the province of Alajuela.

Article 2. The Ministries of Education and Public Health have been instructed to work out a joint literacy programme for the populations concerned and to teach the women to sew.

Article 3. The populations concerned have the same civic and political rights as other citizens.

Article 4. Apart from what has been stated in respect of the foregoing Articles, the Government endeavours to encourage the spread of occupations suitable to these populations by teaching them such trades as sewing and painting and some basic notions of farming.

Article 5. Steps are being taken, within the framework of the literacy campaign, to persuade the members of indigenous populations to take part in the social and political life of the country. The younger ones among them may act as scrutineers at polling stations and all have identity cards.

Article 6. The small numeric importance of the indigenous populations and the fact that they are spread over large areas of mountainous land make it impossible to introduce the system of economic planning. However, the majority are concentrated on the Pacific Coast and work for local undertakings, principally the Bananera Company. A community sugar-cane mill has therefore been set up in that area and is managed by the Central "Arturo Tinoco" school. Indigenous workers cultivate the sugar cane, crush it and consume most of the juice extracted.

Article 7. A minority of the Cabécares and Bribris live in the mountainous and marshy area of the province of Limón, at the very edge of civilisation and maintaining their own customs and traditions. The main problem in dealing with them is that they tend to live singly, not in groups or villages.

Article 8. These populations are peaceful and rarely commit serious crimes. However, crime control is exercised by the national authorities and the courts, who always take the local customs relating to penal matters into account.

Article 9. The prohibition of the exaction of personal services and the penalties imposed apply to the populations concerned in the same way as to the rest of the national community.

Article 10. The populations concerned are entitled to the same measures of protection of their fundamental rights and have the same methods of recourse to legal proceedings as other citizens.

Article 11. The majority of the populations concerned have an individual system of ownership; only the Cabécares and Bribris have a collective ownership system. The right of ownership, whether collective or individual, over the lands which these populations traditionally occupy, has always been recognised. However, in applying the Land Settlement Act, it has become apparent that these populations occupy more land than they need, in view of their reduced number, and the Government proposes to correct this situation. Furthermore, the new Act, while allowing the common use of land, does not recognise collective ownership.

Article 12. The term "Indian reservations" is used to describe the land that has been traditionally occupied by the populations concerned for many generations. Their removal to an agricultural centre is envisaged; there, the land which the National Bank of Costa Rica considers that they need to satisfy their requirements will be placed at their disposal. Each family will be allocated a lot, to be worked by its members without recourse to paid labour; where the surface is found to be inadequate, a larger lot may be assigned. The persons thus removed will be compensated for any loss resulting from their removal. These measures will be taken in implementation of the Government's agrarian policy, which is aimed at ensuring better use of the land.

Article 13. The customary procedures for the transmission of rights of ownership and use of land are satisfactory for the needs of the populations concerned and for their economic and social development. The Protection Committee for the Aboriginal Populations and the Land Settlement Institute are responsible for the protection of indigenous landowners (whether they are individual or collective landowners); if attempts are made to occupy their land unlawfully, they may have recourse to all lawful methods of defending their interests, including the use of force.

Article 14. According to the agrarian programme, all land within the boundaries of the Indian reservations must be allocated to indigenous families under the conditions set forth above with reference to Article 12. Up to the present it has not been possible to execute this programme, but the Land Settlement Institute is responsible for carrying it out. The results will be notified to the I.L.O. in due course.

Article 15. The social legislation of Costa Rica makes no distinction between indigenous populations and the rest of the country's inhabitants. Workers belonging to the populations concerned enjoy the same prerogatives and have the same obligations as workers in general. The problems which arise with regard to their employment have been the subject of thorough study, but the special measures which could be taken in this connection would be difficult to implement, and most expensive, because of the small number of the indigenous populations and the fact that they are distributed all over the country.

Articles 16 to 18. There is no specific vocational training programme for the populations concerned; however, they receive practical instruction in handicrafts, painting, sewing, domestic tasks and farming.

Article 19. The social security schemes cover wage earners and other persons belonging to the populations concerned to the same extent as they are applicable to other sectors of the national community.

Article 20. Yearly medical visits are carried out, on which occasions the indigenous populations can obtain essential medical aid. Those members of such populations who work for the Bananera Company benefit from the medical assistance provided by the Company for all its workers.

Article 21. In order to offer the maximum opportunity for education at all levels, a number of schools have been established in the areas inhabited by indigenous populations. The Government's report mentioned ten schools in the area of Buenos Aires de Puntarenas, with 18 teachers and 482 registered students, besides the central "Arturo Tinoco" school, which is the only boarding school in the country.

Article 22. Originally, suitable education programmes were established on the basis of ethnological studies, so that elementary text books could be written in Bribri and Cabécar dialect. Now national education methods and programmes are applied to the populations concerned.

Article 23. Teaching in the mother tongue of these populations has been abandoned as being too slow; it is also extremely difficult to arrange such teaching for these populations because they are so few in number and are divided into so many ethnic groups.

Article 24. There are no special teaching programmes (see Article 23).

Article 25. The problems mentioned in this Article do not arise in Costa Rica as so few members of the national community are in direct contact with the populations concerned. It has, therefore, not been found necessary to take measures to implement the provisions of this Article.

Article 26. In view of the small number of indigenous workers, the implementation of the measures mentioned under this Article would be excessively expensive for the country. This duty is performed by the teachers in all schools.

Article 27. The authority responsible for administering the programmes relating to the matters covered in the Convention is the Protection Committee for the Aboriginal Populations. This Committee is endowed with legal personality and coordinates the activities of bodies and institutions concerned with the populations in question, such as the Ministry of Public Education, the Land Settlement Institute, the Ministry of Public Health, etc.

PORTUGAL

Angola.

In reply to a direct request made by the Committee of Experts in 1965, the Government has supplied the following information.

Article 1 of the Convention. It is difficult to indicate the numerical importance of the groups of the national population who come within the scope of the Convention. In fact no distinction is made between populations of a tribal or semi-tribal nature and those covered by the national legislation.

Article 5. All the welfare programmes now being implemented make use of the community development method with the collaboration and active participation of the populations concerned. Legislative Instrument No. 3484 of 25 April 1964 respecting rural resettlement encourages the establishment of rural institutions and co-operatives. Welfare centres, which are generally known as "people's centres" or "fishermen's centres", will be set up throughout the country at the end of the experimental phase. The main tasks of such centres are to (a) watch over the interests and welfare of workers and their moral, economic and social development; (b) improve adult education, preferably by means of night courses; (c) organise vocational training courses; (d) encourage the establishment of co-operatives; and (e) set up an employment service.

Articles 16 to 18. The commercial, industrial and agricultural technical schools provide vocational training at all levels. Practical training programmes are also furnished by the following government agencies: the Geographical and Land Registration Service, the Provincial Settlement Council, the Agricultural Service, the Veterinary Service, the Health and Medical Assistance Service, and the Army Service. Training courses are also organised by a number of private undertakings in fields connected with their activities. Furthermore, surveys are now being carried out with a view to encouraging handicrafts and setting up free public employment offices in order to protect and stabilise the workers concerned in the areas where they habitually reside.

Article 20. Detailed information was supplied in this respect by the Health and Medical Assistance Service.

Article 27. Since the greater part of the population of Angola comes within the scope of the Convention, all provincial government services and agencies are competent for the application of the said measures.

A survey carried out by the Technical Commission for Rural Resettlement was attached to the Government's report.

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

Costa Rica, Portugal.

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

BRAZIL (First Report)

In its report the Government has specified that, although this Convention was approved by Legislative Decree No. 6 of 1963, nothing has yet been done towards its implementation, since this requires the promulgation of an instrument by the Executive Power.

GHANA

In reply to a direct request made by the Committee of Experts in 1965, the Government has stated that steps have been taken to introduce a new Ghana Seaman's Certificate of Nationality and Identity, containing a reference to the Convention as required by Article 4, paragraph 2.

GREECE (First Report)

Royal Decree of 9 December 1955 for the codification of Act No. 721 of 1948 (*Ephemeris tēs Kyvernesseos (E.K.)*, 31 Dec. 1955), and amendments thereto.

Act No. 4316 of 1963 to ratify the Seafarers' Identity Documents Convention, 1958 (No. 108) (*E.K.*, 11 June 1963).

Order No. 48050-8033 of 13 September 1965 of the Minister for the Merchant Marine to apply the above-mentioned Act.

The above-mentioned order lays down that the seamen's booklets which seamen hold at present shall be used as identity documents, as they contain all the details required to be indicated in the identity document in accordance with paragraph 2 of Article 4 of the Convention. A rubber-stamped indication in Greek and English, to the effect that the booklet is an identity document in compliance with the Convention will be inserted in the booklets which have already been issued and also in those to be issued in the future.

The royal decree of 1955 contains the provisions in conformity with which seamen's booklets are issued. About 70,000 Greek seamen have been issued with these booklets.

The booklets remain in the possession of the seamen at all times; when the seamen are recruited on board ship, the booklets are handed in to the ship's captain.

The booklet has permanent validity and remains in the possession of the seaman during his entire career until he retires, or until it is withdrawn in accordance with the Penal and Disciplinary Code.

The authority responsible for issuing an entry permit to Greek territory to a foreign seaman, in conformity with Article 6, paragraph 2, of the Convention, is the Aliens Department in the Ministry of Interior.

The competent authorities for the application of this legislation are the port authorities and the Ministry for the Merchant Marine.

The Government has indicated that ratification gives the force of law to the Convention.

ITALY (First Report)

Presidential Decree No. 1600 of 23 October 1961 to ratify the Seafarers' Identity Documents Convention, 1958 (No. 108) (*Gazzetta Ufficiale*, 3 Mar. 1962, No. 57).

The issue of seafarers' identity documents is under consideration.

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.

GUATEMALA (First Report)

Fundamental Charter of the Government, Legislative Decree No. 8 of 10 April 1963 (*El Guatemalteco* (E.G.), 10 Apr. 1963).

Labour Code, Decree No. 1441 of 5 May 1961 (E.G., 16 June 1961, No. 14, p. 145) (L.S. 1961—Gua. 1).

Labour Charter, Legislative Decree No. 1 of 2 April 1963 (E.G., 5 Apr. 1963, No. 34, p. 417).

PART I. GENERAL PROVISIONS

Article 1 of the Convention. The products listed in the Convention are grown on estates or properties which are sometimes, but not often, given the name of plantations. The main crops are coffee, sugar cane, banana (*musácea*), citronella, cotton, rice and cocoa. There are also plantations of mani, wheat, fibres and various kinds of fruit and, on a very small scale, kenaf and tea.

The various crops are grown in different areas of the country according to the climate, irrigation systems and other factors.

Article 2. There is no discrimination in Guatemala.

Article 3. No part of the Convention is excluded from application.

PART II. ENGAGEMENT AND RECRUITMENT AND MIGRANT WORKERS

Articles 5 to 19. A large number of workers migrate from the colder to the warmer areas of the country in order to do agricultural work.

With regard to recruitment, section 141 of the Labour Code provides that representatives of an employer who engage in recruiting agricultural workers must have, in addition to the special permission required for this purpose, a power of attorney signed by the employer. Between July 1962 and August 1964, 1,142 such powers of attorney were registered.

PART III. CONTRACTS OF EMPLOYMENT AND ABOLITION OF PENAL SANCTIONS

Articles 20 to 23. Sections 18 to 33 of the Labour Code set forth the basic principles of the legislation regarding contracts of employment. Following the definition of the term "contract of employment", the text explains, among other things, that contracts may be entered into for an indefinite period, for a specified period or for specified work. In principle, all contracts must be deemed to be entered into for an indefinite period.

No penalties are prescribed for failure to fulfil an employment contract.

PART IV. WAGES

Articles 24 to 35. The provisions relating to wages are of general application; the Government has referred to the first report which it submitted on the Protection of Wages Convention, 1949 (No. 95).¹

PART V. ANNUAL HOLIDAYS WITH PAY

Articles 36 to 42. Reference is made to the first report submitted on the Holidays with Pay (Agriculture) Convention, 1952 (No. 101).²

PART VI. WEEKLY REST

Articles 43 to 45. Reference is made to the first report submitted on the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106).³

PART VII. MATERNITY PROTECTION

Articles 47 to 50. Reference is made to the reports submitted on 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).⁴

PART VIII. WORKMEN'S COMPENSATION

Articles 51 to 53. The provisions of the Labour Code and the general accident protection regulations cover this subject, as do the supplementary social security agreements.

PART IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

Articles 54 to 61. Reference is made to the first report submitted on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).⁵

PART X. FREEDOM OF ASSOCIATION

Articles 62 to 70. Reference is made to the first report submitted on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).⁶

PART XI. LABOUR INSPECTION

Articles 71 to 84. Reference is made to the first report submitted on the Labour Inspection Convention, 1947 (No. 81).⁷

¹ See I.L.O.: *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*, Report III, Part I, International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1957), pp. 183-184.

² See idem: op. cit., International Labour Conference, 49th Session, Geneva, 1965 (Geneva, 1965), p. 238.

³ See idem: op. cit., International Labour Conference, 46th Session, Geneva, 1962 (Geneva, 1962), p. 247.

⁴ See idem: *Summary of Reports on Unratified Conventions (Article 19 of the Constitution)*, Report III, Part II, International Labour Conference, 49th Session, Geneva, 1965 (Geneva, 1965), pp. 41-44.

⁵ See idem: *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*, Report III, Part I, International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1957), p. 197.

⁶ See ibid., pp. 160-161.

⁷ See ibid., pp. 154-155.

PART XII. HOUSING

Articles 85 to 88. Section 145 of the Labour Code provides that agricultural workers shall be entitled to be provided with housing satisfying the standards specified in health regulations. The Ministry of Labour and Social Welfare shall impose this rule by stages on employers who have the financial means to comply with it.

The Housing Institute will be responsible for accommodation in rural areas. No minimum standards on accommodation have been prescribed by law.

PART XIII. MEDICAL CARE

Articles 89 to 91. The public health service provides medical care for workers in accordance with the requirements of the Convention.

Many shops and workplaces in rural areas which are at a considerable distance from urban centres have their own medical services. The employers contribute to the cost of medical supplies.

LIBERIA

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

Articles 5, 7, 8, 9 and 11 of the Convention. Within the Department of Commerce and Industry there came into operation in January 1964 a division of the Labour Bureau dealing with employment with a view to facilitating the employment process and ensuring the optimum utilisation of the work force. This arrangement gives the Labour Bureau supervisory functions over recruitment of workers throughout the country.

Article 10. Conditions of employment are spelled out in employment slips filled out by the employee at the time of his engagement. These slips are submitted to the Government for approval before they are issued by employers.

Article 11. Government regulations and employment regulations require that all prospective employees must undergo a medical examination before being engaged.

Article 12. At all of the employment centres sanitary facilities are provided by the competent authority.

Article 16. The provisions forbidding advances on wages cover every individual recruited from the point where the recruiter contacts him to that of his acquiring the status of a regular employee.

Article 20. The maximum period of service which may be stipulated in written or oral agreements concluded between employers and workers is two years.

Article 24. An Act designed to amend the law governing the administrative organisation is now before the Executive for approval and transmission to the legislature. This Act, *inter alia*, provides for the creation of a minimum wages board composed of four permanent members (the Secretary for Commerce and Industry, the Director-General of National Planning, the Under-Secretary for Labour and a public member to be appointed by the President). When the board is in the process of fixing the minimum wage for a particular class of employees, it shall be composed, in addition to its permanent members, of two employers and two employees representing the industry concerned.

Article 26. As payment by cheque is an efficient modern method for the transfer of "legal tender" to an employee, the Government considers that this form of payment does not violate this Article.

Article 28. Indirect payment can be made only if a wage earner authorises his employer through a power of attorney to have his wages delivered to another person. In this case there must be mutual agreement between both parties.

Article 29. Although no provisions prohibit limitations on the freedom of a worker to dispose of his wages, such limitations would constitute illegal interference with the rights of employees.

Article 30. Where company stores exist, they operate under a special arrangement whereby the Government permits tax-free imports. As a result, the goods in such stores are sold at lower prices than in non-company stores.

Articles 31 and 32. Deductions of wages may be permitted (upon written agreement between the employer and the wage earner) in case of taxation by the Government or of contributions to a cause which is directed towards the welfare of the wage earner.

Articles 33 and 34. Government policy requires that all wages must be paid by the end of each month. Most employers pay wages fortnightly. The conditions in respect of wages are clearly stated in all employment contracts.

Articles 36 to 38. As the terms of the Convention allow governments to determine the minimum period of continuous service required for entitlement to an annual holiday with pay, the Government of Liberia has decided that three years of service shall constitute the qualifying period. Bargaining for a shorter qualifying period is permitted.

Article 39. No provisions are under consideration to prescribe more favourable treatment for young workers.

Articles 71 and 72. Labour inspection comes under the Labour Standards Division of the Labour Bureau in the Department of Commerce and Industry. The central office of the inspectorate is located in Monrovia, and there is an office in each inspection district. The Under-Secretary for Labour appoints as many labour inspectors as are necessary to carry out adequately the functions of inspection. The Director of Labour Standards is responsible for the efficient operation of the inspectorate. Labour inspectors are charged with the following duties: to carry out investigations of all workplaces in the area of their jurisdiction at least once a year; to attempt to have corrected any circumstances, conditions or practices which may prejudice the safety, health or welfare of employees; to investigate serious industrial accidents and occupational diseases in order that precautions may be taken to prevent their recurrence.

The labour inspector is empowered to instruct an employer to refrain from infringing the labour legislation within a prescribed period of time, and, if the employer does not obey the instruction, the inspector brings the matter before the competent authority. Plantations are inspected regularly and full reports on such inspections are submitted to the competent authority.

All labour inspectors are required to undergo a period of about six to twelve months' training on the job after their appointment; following this period, they are sent abroad for further training. Selection is made on the basis of qualifications, efficiency, and interest in the job. In addition, to be appointed as a labour inspector,

a person must have had a good general education and have the character and ability to gain the confidence of persons with whom he may be dealing.

* * *

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

111. Discrimination (Employment and Occupation) Convention, 1958

This Convention came into force on 15 June 1960

Countries	Ratification registered on	Countries	Ratification registered on
Brazil	26. 11. 1965	Jordan	4. 7. 1963
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
Cuba	26. 8. 1965	Mexico	11. 9. 1961
Czechoslovakia	21. 1. 1964	Morocco	27. 3. 1963
Dahomey	22. 5. 1961	Niger	23. 3. 1962
Denmark	22. 6. 1960	Norway	24. 9. 1959
Dominican Republic	13. 7. 1964	Pakistan	24. 1. 1961
Ecuador	10. 7. 1962	Philippines	17. 11. 1960
Gabon	29. 5. 1961	Poland	30. 5. 1961
Federal Republic of Germany	15. 6. 1961	Portugal	19. 11. 1959
Ghana	4. 4. 1961	Somalia	8. 12. 1961
Guatemala	11. 10. 1960	Sweden	20. 6. 1962
Guinea	1. 9. 1960	Switzerland	13. 7. 1961
Honduras	20. 6. 1960	Syrian Arab Republic	10. 5. 1960
Hungary	20. 6. 1961	Tunisia	14. 9. 1959
Iceland	29. 7. 1963	Upper Volta	16. 4. 1962
India	3. 6. 1960	Ukraine	4. 8. 1961
Iran	30. 6. 1964	U.S.S.R.	4. 5. 1961
Iraq	15. 6. 1959	United Arab Republic	10. 5. 1960
Israel	12. 1. 1959	Viet-Nam	6. 1. 1964
Italy	12. 8. 1963	Yugoslavia	2. 2. 1961
Ivory Coast	5. 5. 1961		

ITALY (First Report)

Constitution, 1948.

The equality of all citizens in respect of employment and occupation is one of the basic principles of the Italian legal system.

Neither laws, regulations nor administrative decisions can establish any form of discrimination as regards access to public or private employment or the carrying on of any occupation.

Discrepancies in laws enacted prior to the Constitution of 1948 have been eliminated.

Section 7 of Act No. 1176 of 7 July 1919, which prohibited women from entering the public service, was declared unconstitutional by a ruling of the Constitutional Court (No. 33 of 18 May 1961). As a result of that ruling, women are admitted to all public posts except those in respect of which their sex would make them unsuitable for the performance of the duties involved; women may not engage in a military career or become gaolers.

In the private sector only reasons of welfare protection may prevent women from entering certain occupations. Working conditions are equal for all workers without distinction as to sex, religion, race, political opinion or social origin.

There is no exclusion or preference based on the criteria mentioned in the Convention.

The social policy of the Government is aimed at favouring the less privileged classes and removing the obstacles that might prevent them from taking part freely in economic and social activities.

In the private sector the problem of equal wages for male and female workers has been solved. The differences between categories of workers are based exclusively on reasons of technical organisation.

LIBERIA

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that no legislative or other measures concerning the elimination of discrimination in respect of employment and occupation based on sex or political opinion exist, since they are unnecessary. Women are given equal opportunities in respect of all types of employment and several of them hold high positions in government services, private enterprises and the national legislature.

Section 10 of the Civil Service Act guarantees equality of opportunity and treatment in respect of appointment and promotion in public employment.

MOROCCO (First Report)

Constitution of 7 December 1962.

Dahir of 24 February 1958 to establish general civil service rules (*Bulletin officiel*, 1958).

The Government has stated that there is no discrimination, either in law or in fact, as regards employment or occupation. Consequently, the laws and regulations contain no specific provisions against such discrimination and it has not been found necessary to amend or adopt laws or regulations to make it possible to ratify or give effect to the Convention.

Article 1 of the Convention. No distinction, exclusion or preference on grounds of race, sex, religion, political opinion, national extraction or social origin exists in the legislation or in practice.

No other form of preference, distinction or exclusion has been specified. Certain forms of public employment are reserved for males because of their strenuous or dangerous nature (the armed forces, national security, the police force, etc.); such cases do not constitute discrimination.

Article 2. The principles of national policy aimed at promoting equality of opportunity and treatment in employment are set forth in the Constitution and more particularly in articles 9, 12 and 13.

As a consequence of this policy, there is no discrimination in the national laws, regulations, legal proceedings or practice with regard to vocational training, employment, occupation and conditions of employment.

Apart from the provisions of the Constitution, certain important legislative instruments stress the absence of all discrimination in employment and occupation, in particular, the general civil service rules.

Article 3. No form of discrimination, within the meaning of the Convention, having been observed, there is no need to take steps to ensure the co-operation of employers' or workers' or other organisations.

Nor are there any legal or other provisions providing for exceptions in this connection.

No particular procedures or practices are applied, in connection with recruitment and promotion, to give effect to a non-discrimination policy.

It has not been felt necessary to take steps to promote equality of opportunity and remuneration at the level of vocational training, etc.

In view of all that has been stated above there is no need to make any changes in the legislation.

Article 4. No legislative or administrative measures have been contemplated, since there is no reason to suspect persons of engaging in any activities prejudicial to the security of the State.

Article 5. Special measures have been taken with regard to the need for protection and assistance of certain persons; it has not been found necessary to define the non-discriminatory nature of such measures by law.

Protective measures relating to sex, age and incapacity have been enacted by various legislative instruments; these were listed in the Government's report.

In view of the absence of laws and regulations dealing specifically with discrimination in employment, the question of authorities responsible for the enforcement of such legislation does not arise.

PORTUGAL

In reply to an observation made by the Committee of Experts in 1965, the Government has supplied the following information.

It has reaffirmed that racial discrimination and all other forms of discrimination are unknown throughout Portuguese territory. The Government has again referred to its request to the Governing Body of the I.L.O. at its 160th Session (November 1964) to set up a commission of inquiry to investigate this matter throughout the territory. It is still waiting for this commission to be established.

The Government has mentioned the following initiatives taken by it in connection with employment policy:

(a) the establishment of a national employment service responsible for organising employment centres and vocational guidance for young persons and adults, disseminating detailed information and promoting a policy of equal opportunity in employment and occupation;

(b) accelerated vocational training measures: a first centre has already been set up in Lisbon: it has departments for accelerated training in painting, plumbing, electro-mechanics, carpentry, locksmithery, milling, welding, masonry and reinforced concrete operations. The interim development plan (1965-67) provides for three other centres to be set up. Each centre trains several hundred skilled workers every year. Trainees receive an allowance and are provided with employment at the end of the course;

(c) the establishment of apprenticeship, pre-apprenticeship and advanced training centres: the interim development plan (1965-67) provides for the establishment of 30 apprenticeship and pre-apprenticeship centres. Many of the planned buildings are now being constructed and the instructors have been trained. These centres will be open to young persons who have been unable to enter a technical establishment; they will attend theoretical and practical classes with a view to becoming skilled workers. Advanced training centres are operated with the collaboration of undertakings; the time-table of the classes enables the workers to attend the courses;

(d) the establishment of a national instructor-training centre: the premises of this centre are now being equipped and its teaching staff trained. The first instructors for the accelerated training centres and for this centre were trained in Spain and in France;

(e) the provision of subsidies: numerous subsidies have been granted to trade unions and co-operatives by the Manpower Development Fund;

(f) a vocational training information and survey campaign: the Manpower Development Fund has contacted the appropriate circles to inform them of the aims and objectives and the nature of the training programmes sponsored by it. The Fund intends to study local requirements with a view to contributing technical and financial aid. A broad field of action has been outlined and a serious effort is being made to ensure a good level of occupational skill, thereby also improving equality of employment and occupational opportunity.

Technical education has not been neglected and the number of schools, instructors and pupils is increasing steadily. Audio-visual aids, including television, will be used. Each class will consist of not more than 20 pupils with one instructor. During 1965-66, television instruction is expected to reach 2,000 pupils.

UPPER VOLTA

See under Convention No. 6.

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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, Morocco.

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		

BELGIUM (First Report)

Act of 5 June 1928 to issue regulations for seamen's agreements (*Moniteur belge (M.b.)*, 26 July 1928, No. 108, p. 3321) (*L.S.* 1928—Bel. 5), as amended by the Act of 15 June 1961.

Royal Order of 18 August 1964.

Section 19 of the above-mentioned Act applies Articles 1 and 3 of the Convention.

Article 2 is applied by section 19 of the Act and by the royal order of 18 August 1964.

FEDERAL REPUBLIC OF GERMANY (First Report)

Seamen's Act of 26 July 1957 (*Bundesgesetzblatt (BGBl.)*, Part II, 1957, No. 21, p. 713) (*L.S.* 1957—Ger. F.R. 4), as amended by the Act of 25 August 1961 (*BGBl.*, Part II, 1961, p. 1391).

Article 1 of the Convention. Section 1 of the Seamen's Act applies the provisions of this Article.

Article 2. According to section 94, paragraph 1, of the Act, it is forbidden, in all circumstances, to employ young persons of less than 14 years of age on board fishing vessels. In accordance with section 94, paragraph 2, young persons under 15 years of age can only be employed with the permission of the authorities responsible for labour protection. Such permission may be granted where it is advantageous to and in the interest of the young person concerned to be given employment. In practice, the provisions of section 94, paragraphs 1 and 2, have little practical significance, since all coastal Länder of the Federal Republic have brought the duration of compulsory schooling up to nine years, and therefore children leave school at the age of 15 years.

Article 3. This Article is applied by section 94, paragraph 3, of the Act.

Article 4. No training ships have so far been recognised as such, in the Federal Republic, in accordance with section 96, paragraph 3, of the Act.

The competent authorities as regards the enforcement of the above-mentioned legislation are the authorities responsible for labour protection in the Länder.

Infractions of these provisions are punishable in accordance with the provisions of sections 121 and 123 of the Act.

LIBERIA

In reply to a direct request made by the Committee of Experts, the Government has stated that an amending Act respecting the prohibition of child labour is being submitted to the legislative authority.

NORWAY (First Report)

Seamen's Act, as amended by the Act of 19 June 1964.

Article 1 of the Convention. Section 10 of the Seamen's Act, which implements the Convention, applies to all fishing vessels irrespective of size. Formerly section 10 applied only to fishing vessels of over 100 tons; by the order in council of 18 August 1961 this section was modified to cover all fishing vessels, so as to comply with the requirements of the Convention.

Articles 2 and 3. Section 10 of the Seamen's Act prohibits the employment of young persons under 15 years of age on board fishing vessels. The same section prohibits the employment of young persons under 18 years of age as trimmers or stokers.

Article 4. According to section 74, the Seamen's Act may be made wholly or partially inapplicable to persons who are employed on training ships.

Supervision of the application of the above-mentioned legislation is entrusted to the Seamen's Department.

PERU (First Report)

Regulations concerning the fishing industry.

Presidential Decree No. 6 of 15 April 1960.

A definition of the term "fishing vessel" is given in paragraph 383 of the Harbour Masters' and Merchant Navy Regulations.

According to paragraph 2007 of the regulations concerning the fishing industry, the minimum age for registration as a fisherman is 21 years. No advantage has been taken of the permissive provisions of paragraphs 2 and 3 of Article 2. In conformity with paragraph 2013 of the same regulations, only young persons of more than 18 years of age may be employed on board fishing vessels for training purposes. Training vessels are under the supervision of the Ministry for the Marine.

The enforcement of these provisions is entrusted to the Ministry of the Marine and the harbour masters.

* * *

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

113. Medical Examination (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	8. 5. 1963	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

BELGIUM (First Report)

Act of 5 June 1928 to issue regulations for seamen's agreements (*Moniteur belge (M.b.)*, 26 July 1928, No. 108, p. 3321) (*L.S.* 1928—Bel. 5).

Royal Order of 12 December 1957 to issue regulations for maritime inspection (*M.b.*, 20 Dec. 1957), as amended in respect of Annex XVIII (*M.b.*, 17 Oct. 1958).

Article 2 of the Convention. Section 21 of the above-mentioned Act and section 100 of the royal order apply the provisions of this Article.

Article 3. Annex XVIII of the royal order contains provisions concerning the nature of the required medical examination and the details which the medical certificate issued thereafter should include.

Article 4. Paragraph 7 of Annex XVIII lays down that the validity of the medical certificate is generally of 24 months, but that it is of 12 months for young persons under 18 years of age. An amendment to this legislation is being adopted which will bring Belgian legislation into conformity with the provisions of Article 4, paragraph 1.

Article 5. Paragraphs 4 and 5 of Annex XVIII apply the provisions of this Article.

CHINA

In reply to a request made by the Committee of Experts, the Government has indicated that fishermen's apprentices are generally recruited for very short periods. The Government has also indicated that the competent organisations have been consulted in connection with the exceptions provided for under Article 1, paragraph 2, of the Convention, and that the medical certificate includes the items mentioned in the Convention.

PERU (First Report)

Regulations concerning the fishing industry.

Presidential Decree No. 6 of 15 April 1960.

Sections 1004, 1005 and 3001 of Presidential Decree No. 6 of 15 April 1960 and paragraph 383 (*j*) of the Harbour Masters' and Merchant Navy Regulations define the term "fishing vessels". No advantage has been taken of the permissive provision of paragraph 2 of Article 1 of the Convention. The permissive provision of paragraph 3 is applied by paragraph 745 (*a*) of the Harbour Masters' and Merchant Navy Regulations.

According to paragraph 2012 of the regulations concerning the fishing industry no person shall be engaged for employment in any capacity in a fishing vessel unless he produces a certificate attesting to his fitness for the work for which he is to be employed at sea signed by a medical practitioner authorised by the harbour master. The period of validity of the certificate is one year.

If a medical certificate is refused, the applicant may appeal to the medical services of the Ministry of Health and Social Affairs.

The enforcement of the above-mentioned legislation is entrusted to the harbour masters and the Maritime Labour Supervisory Committee.

SPAIN

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

Article 1 of the Convention. Persons employed in tunny fishing are covered by the Fishing Regulations of 28 October 1946. The medical examination of such persons is prescribed by section 86 of Book II of the Act respecting contracts of employment, as approved by the decree of 31 March 1944.

Article 2. The medical certificate is always signed by a medical practitioner recognised by the competent authorities.

Article 3, paragraph 1. The fishing boat owners' and fishermen's organisations concerned were consulted, in conformity with the Act of 16 October 1942, before approval of the orders of 16 July 1959, 16 January 1961 and 26 July 1963.

Article 4, paragraph 1. Draft legislation is being studied which would fix at one year the validity of the medical certificate for fishermen aged between 18 and 21 years employed in cod fishing boats.

Article 5. A person who has been refused a medical certificate for employment on board a boat engaged in cod fishing is entitled to apply for a further medical examination by virtue of section 1 of the Act of 17 October 1940 and section 1 of the decree of 17 January 1963.

The Government has also stated in its report that the Convention is fully applied in the African provinces in conformity with section 10 and with reference to section 2, paragraph 1, of the Act of 20 December 1963, taking into account, as regards the provinces of West Africa (Ifni and Sahara), the provisions of the orders of 2 March 1954 and 30 November 1957.

YUGOSLAVIA

Act of 17 February 1965 respecting the composition of crews of vessels of the merchant navy (*Službeni List (S.L.)*, 24 Feb. 1965, No. 8, Text No. 104).

Act of 17 February 1965 respecting the registration of sea-going vessels (*S.L.*, 1965, No. 8).

Act of 24 February 1965 respecting the medical supervision of crews of vessels of the merchant navy (*S.L.*, 1965, No. 9).

Act of 4 April 1965 to amend and supplement the Health Insurance Act (*S.L.*, 5 Apr. 1965, No. 15, Text No. 316).

Article 1 of the Convention. Sections 2, 3 and 9 of the Act respecting the registration of sea-going vessels stipulate that all vessels of above ten tons engaged in maritime navigation are considered as being part of the merchant navy, whether they are publicly, collectively or privately owned; the registration of fishing vessels is treated separately (section 11 of the Act).

Article 2. By virtue of the Act respecting employment relationships, all persons must be subjected to a physical fitness examination before they enter employment. Moreover, the Act respecting the medical supervision of crews provides that any person listed on the crew's roll must be medically examined and is covered by the health protection measures; employment of any person whatsoever on board a vessel entails that person's registration on the crew's roll (sections 1 and 2 of the Act respecting the composition of crews of vessels of the merchant navy).

Article 3. The adoption of the above-mentioned legislative instruments was preceded by consultation with the employer's and fishermen's associations. According to the Act respecting the medical supervision of crews, the medical examination covers eyesight and hearing, colour perception, the obligation to submit to certain vaccinations, and disorders which might be aggravated by service at sea or constitute a hazard to the health of other persons on board. The provisions of section 16 of the same Act authorise the Federal Secretary for Public Health to prescribe, in agreement with the Federal Secretary for Transport and Communications, more detailed requirements for medical examinations for persons employed on board ship.

Article 4. Section 10 of the Act respecting the medical supervision of crews gives two years as the maximum period of validity for the certificate issued to seafarers and fishermen. Furthermore, the employing organisations are bound to apply directly the provisions of Article 4 of the Convention respecting special protection for young workers. Lastly, section 10 of the aforesaid Act stipulates that, if a certificate expires during a voyage, it shall automatically be extended until the end of the voyage.

Article 5. By virtue of the Acts respecting health insurance and the medical supervision of crews, any person who, having been examined with a view to obtaining a medical certificate, contests the outcome, may request a further examination before a commission independent of the health establishment which effected the examination giving rise to the dispute.

The port authorities and, outside the country, the diplomatic and consular representatives of Yugoslavia, are the authorities responsible for applying the provisions 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:

Bulgaria, Guatemala.

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

Peru, Yugoslavia.

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		

BELGIUM (First Report)

Act of 5 June 1928 to issue regulations for seamen's agreements (*Moniteur belge*, 26 July 1928, No. 108, p. 3321) (*L.S.* 1928—Bel. 5).

Article 3 of the Convention. This Article is applied by sections 10 and 22 to 26 of the Act.

Article 4. The Act does not make a distinction in respect of fishermen and therefore the ordinary rules of jurisdiction govern the articles of agreement of fishermen.

Article 5. This Article is applied by sections 4 to 6 of the Act. All seamen are issued with a seaman's booklet in which all details of their engagements on board Belgian ships are recorded.

Article 6. This Article is applied by sections 22, 25, 26 and 29 to 45 of the Act.

Articles 7 to 11. These Articles are applied respectively by sections 13, 25, 89, 93 and 94 of the Act.

The maritime authorities in Belgium and the consuls abroad are entrusted with supervising the enforcement of the Act.

PERU (First Report)

Harbour Masters' and Merchant Navy Regulations of 31 October 1951.

Regulations concerning the fishing industry. Presidential Decree No. 5 of 15 April 1960.

Fishermen may be engaged on board fishing vessels, in conformity with paragraph 5001 of the regulations concerning the fishing industry, on the basis of three different types of agreement—a partnership agreement, an agreement for the hire of services and an employment contract.

A definition of the term "fishing vessel" is contained in paragraph 383 of the Harbour Masters' and Merchant Navy Regulations. The exemptions mentioned in paragraphs 2 and 3 of Article 1 of the Convention are not included in the national legislation.

A definition of the term "fisherman" is contained in paragraph 2001 of the regulations concerning the fishing industry.

Articles of agreement are signed by the fishermen and the fishing boat owner. If the fisherman is illiterate he gives his fingerprint. Chapter VI of the regulations concerning the fishing industry contains the particulars to be included in the articles of agreement.

According to the regulations, the agreement may not contain any stipulation by which the parties may waive the ordinary rules as to jurisdiction.

Paragraphs 2014 and 2015 of the regulations lay down the obligations of the fishing boat owner and of the fisherman respectively.

According to paragraph 5620 the agreement may be made either for a definite period or for one voyage or for an indefinite period.

The agreement may be terminated for the causes indicated in paragraph 5022 of the regulations, which are the same as those contained in Article 9 of the Convention.

Paragraph 2016 of the regulations and paragraph 781 of the Harbour Masters' and Merchant Navy Regulations apply Articles 10 and 11 of the Convention.

The enforcement of these provisions is entrusted to the harbour masters, the Director-General of Labour and the Maritime Labour Supervisory Committee.

SPAIN

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

Working conditions for trawling fishermen are governed by the regulations of 28 October 1946.

The Convention is fully applied in the African provinces, through the provisions of sections 10 and 2, paragraph 1, of the Act of 20 December 1963, approved by the decree of 3 July 1964. As regards the West African provinces (Ifni and Sahara), the orders of 2 March 1954 and 30 November 1957 should be taken into account.

YUGOSLAVIA

Act of 17 February 1965 respecting the composition of crews of vessels of the merchant navy (*Službeni List (S.L.)*, 24 Feb. 1965, No. 8, Text No. 104).

Act of 17 February 1965 respecting the registration of sea-going vessels (*S.L.*, 1965, No. 8).

Act of 4 April 1965 respecting employment relationships (*S.L.*, 7 Apr. 1965, No. 17, Text No. 352, as corrected in *S.L.*, 5 May 1965, No. 21, p. 982) (*L.S.* 1965—Yug. 4).

Article 3 of the Convention. Section 23 of the Employment Relationships Act provides that a worker shall be informed in writing of the decision of the working community to employ him in an undertaking. This formal act is not an agreement and all rights and obligations arising out of the employment relationship are governed by the relevant general rules of the undertaking. An agreement is concluded only in exceptional cases and when a worker does not become a member of the working community.

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

China, Guatemala, Italy.

115. Radiation Protection Convention, 1960

This Convention came into force on 17 June 1962

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	2. 7. 1965	Spain	17. 7. 1962
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

GHANA

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

Article 1 of the Convention. A Bill which will give effect to the provisions of the Convention is in the course of preparation.

Article 2. Processes involving the manufacture of atomic energy and atomic weapons do not exist in the country.

Article 9, paragraph 1. Measures ensuring appropriate warnings as regards the presence of hazards from ionising radiations include labels, signs and posters; these are provided in all laboratories and other places where work involving the risk of exposure to radiations is carried out.

Paragraph 2. The above-mentioned Bill provides for the compulsory basic training of all operators of radiation sources.

Article 13. The competent authority is responsible for monitoring all personnel exposed to ionising radiations. The new Bill will compel employers to comply with the provisions of Article 13 (d).

Article 14. The new legislation will give effect to this Article.

NORWAY

Article 3 of the Convention. The regulations governing medical examinations, hours of work and holidays are being revised. The regulations now cover all personnel consistently engaged in work involving the risk of exposure to radiations. Using the recommendations of various international organisations, the State Institute of Radiation Hygiene (S.I.R.H.) has intensified its regulatory and inspection activities. The system of individual instructions used hitherto will be converted into general regulations, probably applicable in common to Denmark, Sweden and Norway.

Articles 6 to 8. As a member of the European Nuclear Energy Agency (E.N.E.A.) Norway has adopted the E.N.E.A. Radiation Protection Norms of 1963; these norms correspond to the International Commission on Radiological Protection (I.C.R.P.) recommendations, which, in this way, are introduced in Norway.

Article 9, paragraph 1. Appropriate warnings, in accordance with instructions of the S.I.R.H., are used in all occupations where there are radiation hazards.

Article 10. The order in council of 22 October 1948 states that new installations and extensions or major alterations to existing installations shall be notified to the S.I.R.H. before the start of operations, which may not take place until the authorisation of the S.I.R.H. has been obtained. The S.I.R.H. has therefore a complete record of all installations involving radiation hazards.

Articles 11 and 12. All workers in industrial and atomic energy establishments are monitored and the S.I.R.H. also carries out monitoring of all places of work where workers may be exposed to ionising radiations. Eighty per cent. of medical X-ray personnel and 10 to 20 per cent. of dental personnel are under supervision.

Article 13, clause (c). S.I.R.H. experts examine various working conditions in accordance with the provisions of the legislation.

SPAIN

In reply to a direct request made by the Committee of Experts in 1965, the Government has stated that the legal provisions which give effect to the Convention were drawn up after consultation with representatives of employers and workers.

With regard to the application of the Convention in the African provinces, the Government has stated that this is ensured by the provisions of section 2, paragraph 1, and section 10 of the Act of 20 December 1963, as approved by the decree of 3 July 1964, and by the orders of 2 March 1954 and 30 November 1957.

SWEDEN

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

Article 7, paragraph 2, of the Convention. There is no intention of modifying the legislation, since the Radiation Protection Board has already declared that it is not prepared to grant any exceptions from the provisions of the Radiation Protection Act with regard to persons under the age of 16 years, and this statement still binds the Board.

Article 9. Special instructions are issued by the National Radiation Protection Institute (N.R.P.I.) in connection with licensing radiological work. Where appropriate, such instructions include a request that specified warnings shall be used and that all instructions given shall be communicated to the workers. The instructions embrace the necessary precautions against harmful radiation exposure.

Article 11. It is becoming more and more evident that there are inherent difficulties in specifying a quantitative criterion for when and where personnel monitoring should be carried out. Radiation sources and radioactive material are used by an increasing number of workers. The N.R.P.I. must cover all uses of radiation, but, in many cases, little has to be done in order to ascertain that the levels of exposure are adequately low. The type of measurement has to be decided in each individual case, and, as indicated above, there exists no easy quantitative criterion upon which the decision can be based. The N.R.P.I. has the right and responsibility of requesting that appropriate measures be taken. Various types of monitoring are requested in the working instructions issued with the licence for radiological work. The present system is believed to guarantee that appropriate monitoring is carried out to the extent which is implied by current international recommendations.

SWITZERLAND (First Report)

Ordinance of 19 April 1963 respecting protection against radiations.

Ordinance of 7 October 1963 of the Federal Department of the Interior respecting the protection against radiations applicable to X-ray medical installations of up to 300 kilowatts.

Ordinance of 7 October 1963 of the Federal Department of the Interior respecting the radioactivity of luminous clock faces.

Ordinance of 7 October 1963 of the Federal Department of the Interior respecting the protection against radiations applicable to X-ray apparatus in shoe shops.

The ordinance of 19 April 1963 was elaborated in accordance with the provisions of the Convention.

Article 1 of the Convention. The Convention is applied through legislation and, to a limited degree, by codes of practice issued by the Radiological Protection Section of the Federal Public Health Service in accordance with the relevant legislation. A number of workers' and employers' organisations have been consulted.

Article 2. The threshold is five rems in 30 years.

Article 3. The ordinance of 19 April 1963 distinguishes between four categories of workers, defined according to the amount of ionising radiations to which they are exposed during their work.

Article 4. Employers receive a request form for authorisation, on which all the necessary information on radioactive apparatus and substances in use is communicated to the authorities.

Article 6. No modifications have so far been made with regard to the maximum permissible doses of radiations.

Article 7. The maximum permissible accumulated doses are as follows: over 18 years of age: 5 rems per year; from 16 to 18 years of age: 1.5 rems per year; under 16 years of age: 0.5 rems per year.

Article 8. The maximum permissible accumulated dose for workers who are not directly engaged in radiation work but who may be exposed to ionising radiations is, according to defined categories, 1.5 rems per year or 0.5 rems per year.

Articles 9 and 10. The ordinance of 18 April 1963 states that all persons exposed to radiations during their work shall be duly informed about the radiation hazards.

Articles 11 and 12. All persons exposed to radiations during their work are required to undergo a medical examination on taking up their employment and subsequent periodical examinations. The examinations include examinations of the blood and of the skin of the hands.

Article 13. When a worker has received an accumulated dose of more than three rems in 13 weeks an examination of his working conditions must take place. When a worker has received an accumulated dose of more than 12 rems in one year the Public Health Service must be notified. When a worker has received an accumulated dose of more than 25 rems in 13 weeks he is required to undergo a special medical examination.

The responsible medical officer can propose that a worker be removed from work in which he is exposed to ionising radiations. The competent authorities take the final decision. In the case of an accident the competent authorities must be notified at once if dangerous radiation exposure is possible outside the controlled areas. An examination by a competent expert is required if any person has received a dose of more than 12 rems.

Persons directly engaged in radiation work are placed under supervision at the expense of the employer. The Federal Public Health Service and the National Accident Insurance Fund can jointly issue instructions on the uniform execution of surveillance by physical means. Other inspecting bodies are the Special Supervisory Service for X-ray Installations, which comes under the Federal Public Health Service, the Swiss Electricians Association, which is responsible for the inspection of X-ray apparatus in shoe shops, and the Swiss Technical Supervision of Watches Service.

There have been no court decisions and no radiation accidents.

UNITED KINGDOM

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

Article 7, paragraph 2, of the Convention. No specific provisions forbid the employment of persons under 16 years of age on work connected with ionising radiations. The Education Act prohibits the employment of "children", and a child is defined as a person who is under the statutory school-leaving age (at present 15 years of age). Persons under 16 years of age are not permitted to assist in work involving ionising radiations in the National Health Service.

As regards mines and quarries no young person under the age of 16 years may be employed below ground at a mine except for training purposes; administrative action ensures that, in quarries as in mines, no person may be exposed to doses of ionising radiations exceeding those laid down for "non-classified" persons (including persons who have not attained the age of 16 years) in paragraph 3 of the Schedule to the Factories Ionising Radiations (Sealed Sources) Regulations, 1961.

Article 13, clause (d). No specific provisions require an employer to take remedial action on the basis of technical findings and medical advice. The occurrence of such an event would imply non-compliance in some respect with the provisions of regulations made under the Factories Act, 1961, and failure to take the necessary remedial action would lay the employer open to prosecution under that Act.

As regards mines and quarries, it is believed that the administrative control exercised over a strength of source, its sealing and use obviates the possibility of such misadventure.

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

Ghana, Norway, Spain, Sweden, United Kingdom.

The report from *Iraq* repeats the information previously supplied.

118. Equality of Treatment (Social Security) Convention, 1962

This Convention came into force on 25 April 1964

Countries	Ratification registered on
Central African Republic ¹ . . .	8. 10. 1964
China ²	4. 1. 1965
Guatemala ³	4. 11. 1963
India ⁴	19. 8. 1964
Ireland ⁵	26. 11. 1964
Israel ⁶	9. 6. 1965
Jordan ⁷	7. 3. 1963
Malagasy Republic ⁸	22. 6. 1964
Netherlands ⁹	3. 7. 1964
Norway ¹⁰	28. 8. 1963
Sweden ¹¹	26. 4. 1963
Syrian Arab Republic ¹²	18. 11. 1963
Tunisia ¹³	20. 9. 1965

¹ Has accepted the following branches of social security: (c), (e), (g), (i).

² Has accepted the following branches of social security: (a), (c), (d), (e), (f) and (g).

³ Has accepted the following branch of social security: (c).

⁴ Has accepted the following branches of social security: (a), (b) and (c).

⁵ Has accepted the following branches of social security: (a), (b), (h) and (i).

⁶ Has accepted the following branches of social security: (c), (e), (f), (g) and (i).

⁷ Has accepted the following branches of social security: (c), (d), (f) and (g).

⁸ Has accepted the following branches of social security: (b), (c), (d) and (g).

⁹ Has accepted the following branches of social security: (a) to (i).

¹⁰ Has accepted the following branches of social security: (f) and (i).

¹¹ Has accepted the following branches of social security: (a), (b) (c), (g) and (h).

¹² Has accepted the following branches of social security: (d), (e), (f) and (g).

¹³ Has accepted the following branches of social security: (a), (b), (c), (g) and (i).

GUATEMALA (First Report)

Fundamental Charter of the Government, Legislative Decree No. 8 of 10 April 1963 (*El Guatemalteco* (E.G.), 10 Apr. 1963).

Labour Code, Decree No. 1441 of 5 May 1961 (*E.G.*, 16 June 1961, No. 14, p. 145) (*L.S.* 1961—Gua. 1).

Labour Charter, Decree No. 1 of 2 April 1963, (*E.G.*, 5 Apr. 1963, No. 34, p. 417).

Organic Law of the National Social Security Institute, Decree No. 295 of 30 October 1946 (*Decretos del Congreso de la República*, 1947, Bulletin No. 7, p. 344) (*L.S.* 1946—Gua. 2).

Decision No. 211 of the Board of Governors of the National Social Security Institute embodying the regulations governing maternity and child protection.

International labour Conventions acquire the force of law when they are ratified by the Executive and approved by the legislature. There have been no amendments to the legislation as a result of the ratification of the Convention.

Administrative responsibility for giving effect to the provisions of the Convention lies with the Ministry of Labour and Social Welfare and the National Social Security Institute. Supervision of the enforcement of these provisions is entrusted to the inspection services of the Ministry of Labour and Social Welfare and those of the National Social Security Institute.

Article 2 of the Convention. Guatemala has undertaken to apply the Convention in so far as maternity benefit is concerned. Such benefit is part of the general social security scheme.

Article 3. The maternity protection scheme provides for equal treatment for nationals and non-nationals.

Article 4. Equality of treatment is guaranteed without any residence requirements.

Article 9. No special agreement embodying exceptions to the Convention has been subscribed to.

Article 10. The maternity protection regulations apply without restriction to refugees and stateless persons.

No exception is provided for as regards the application of the Convention to persons excluded, by virtue of international instruments, from the scope of the national social security legislation.

Article 11. No special agreement has been concluded with any other State to give effect to this Article.

Article 12. No restrictive measures have been taken, and no multilateral or bilateral agreement concluded, in connection with this Article.

NORWAY (First Report)

(f) SURVIVORS' BENEFIT

Act No. 2 of 26 April 1963 respecting survivors' benefits for children (*Norsk Lovtidend (N.L.)*, 22 May 1963, No. 17, p. 438), as amended by Acts Nos. 6 of 5 June 1964 (*N.L.*, 3 July 1964, No. 23, p. 693) and 4 of 20 June 1964 (*N.L.*, 24 July 1964, No. 25, p. 869).

(i) FAMILY BENEFIT

Act No. 2 of 24 October 1946 respecting family allowances (*N.L.* 1946, Part II, p. 506) (*L.S.* 1946—Nor. 7), as subsequently amended most recently by Act No. 8 of 29 June 1962 (*N.L.*, 30 July 1962, No. 25, p. 524).

Article 3 of the Convention. In so far as nationals of countries having ratified the Convention are concerned, Swedish nationals are covered by the Nordic Social Security Convention of 1955, which the Government considers to be not incompatible with the Convention. Nationals of other ratifying countries have not presented claims for family allowances or for benefits under the scheme respecting survivors' benefits for children.

Article 4. Survivor's benefit of 900 crowns a year is granted in respect of any child under 18 years of age who is resident in the country. The payment of benefit starts immediately after the child has taken up residence. No benefit is granted in respect of persons whose residence in the country is of a temporary nature.

Article 5. Up to now no survivors' benefits have been paid to anybody residing outside Norway.

Article 6. Family allowances are granted to foreigners as well as to Norwegian nationals but only in cases where the children are resident in Norway.

Article 7. Norway does not participate in any scheme of the type dealt with in this Article.

Article 9. No agreement for derogation from the provisions of the Convention exists.

Article 10. According to the Act respecting survivors' benefits for children the conditions for benefits are the same for Norwegian nationals and foreign children. According to the Family Allowances Act, alien refugees are placed on the same footing as Norwegian nationals and persons with no fixed nationality come under the same category.

The schemes for survivors' benefits for children and for family allowances are administered centrally by the National Insurance Institution and locally by the local insurance funds.

SWEDEN (First Report)

(a) MEDICAL CARE; (b) SICKNESS BENEFIT; (c) MATERNITY BENEFIT

Public Insurance Act, No. 381 of 25 May 1962 (*Svensk Författningssamling (S.F.)*, 10 July 1962, p. 903) (*L.S.* 1962—Swe. 1), as amended by Acts Nos. 146 of 21 May 1964 (*S.F.*, 29 May 1964, p. 389), 156 of 21 May 1964 (*S.F.*, 29 May 1964, p. 401) and 144 of 14 May 1965 (*S.F.*, 8 June 1965, p. 369).

(g) EMPLOYMENT INJURY BENEFIT

Act No. 408 of 25 May 1962 to amend Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (*S.F.*, 10 July 1962, p. 1000).

Article 3 of the Convention. Where the above legislation provides less favourable conditions for non-nationals than for Swedish nationals, royal notifications are issued according to which the Convention, in so far as the branches which Sweden has ratified are concerned, shall be applied in respect of nationals of countries which have ratified the Convention. Nationals of all the countries in respect of which a notification has been issued enjoy equality of treatment with Swedish nationals, both as regards coverage and right to benefit under the above legislation.

Article 4. As regards the grant of benefit, equality of treatment is guaranteed without any condition of residence. No arrangements have been made to prevent cumulation of benefits.

Article 5. Payment of employment injury pensions is guaranteed in case of residence abroad. Recourse is not had to the provisions of Article 8 of the Convention.

Article 7. This Article does not appear to be relevant to Sweden.

Article 10. Reference is made to Chapter 20, section 15, of the Public Insurance Act and to section 30, paragraph 3, of the Occupational Injuries Insurance Act.

Article 11. No special measures have been taken to give effect to this Article.

Article 12. No special measures have been taken in application of paragraph 2 of this Article.

The application of the legislation respecting sickness and maternity insurance is entrusted to regional public insurance funds with local offices. Appeals against a decision by a public insurance fund may be filed with the State Insurance Office. Appeals against decisions of the State Insurance Office may be filed with the State Insurance Court.

The application of the legislation respecting employment injury is entrusted to the State Insurance Office and to mutual insurance societies. The Occupational Injuries Insurance Court is first court of appeal. Appeals against the decisions of this Court may be filed with the State Insurance Court.

SYRIAN ARAB REPUBLIC (First Report)

Social Insurance Code, Law No. 92 of 6 April 1959 (*Al-jarida al-rasmiya (Aj.ar.)*, 7 Apr. 1952, No. 71bis B, p. 28) (*L.S.* 1959—U.A.R. 2).

Law No. 143 of 14 August 1961, to amend Law No. 92 of 1959 (*Aj.ar.*, 17 Aug. 1961, No. 187, p. 1163) (*L.S.* 1961—U.A.R. 2).

Article 2 of the Convention. By ratifying the Convention the Syrian Arab Republic accepted the obligations contained therein relating to the following branches of social security: invalidity benefit; old-age benefit; survivor's benefit; industrial accident and occupational disease benefit.

Article 3. The Social Insurance Code makes no distinction between nationals and aliens as regards coverage by the social insurance scheme and entitlement to benefit (sections 2, 19 and 55 of the Code).

Articles 4 and 5. By virtue of section 94 (revised) of the Code, if a beneficiary leaves the territory of the State for good his pension shall cease to be payable. In this case the corresponding capital value of the pension may be paid to him.

Article 6. The provisions of this Article are not applicable.

Articles 7 to 9. The Syrian Arab Republic is not a party to any bilateral or multilateral agreement for the purpose of meeting the commitments arising out of Articles 5 and 7 of the Convention. Nor has it ratified the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48). The Government has stated that it is prepared to conclude special agreements when the need arises.

Article 10. In the legislative texts in force there is no special provision concerning social insurance benefit for refugees and stateless persons.

Article 11. The provisions of this Article are not applicable.

Article 12. In view of the fact that the national legislation at present in force placed no restriction on the rights of non-nationals before the Convention came into force, the Government sees no need to take further legislative measures or to conclude special agreements in order to apply this Convention.

**Communication of Copies of Reports to the Representative Organisations
(Article 23, Paragraph 2, of the Constitution)**

The Governments of the following countries have indicated the employers' and workers' organisations to which copies of their reports have been communicated.

Algeria, Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cyprus, Dahomey, Denmark, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, India, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Liberia, Luxembourg, Malagasy Republic, Malawi, Mali, Malta, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Pakistan, Philippines, Portugal, Senegal, Sierra Leone, Singapore, Somalia, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Togo, Tunisia, Turkey, United Arab Republic, United Kingdom, United States, Zambia.

The Governments of the following countries have stated that copies of their reports will be communicated to the representative employers' and workers' organisations, indicating their names: *Iceland, Norway, Peru.*

The Government of the *Congo (Leopoldville)* has stated that copies of its reports have been communicated to the representative employers' and workers' organisations.

The Governments of the following countries have stated that copies of their reports have been communicated to the Central Council of Trade Unions: *Bulgaria, Czechoslovakia, Poland, Rumania.*

The Governments of the following countries have stated that copies of their reports have been communicated to the Central Council of Trade Unions and to the directors of various undertakings: *Byelorussia, Ukraine, U.S.S.R.*

The Government of *Spain* has stated that copies of its reports have been communicated to the National Organisation of Spanish Trade Unions.

The Government of *Yugoslavia* has stated that copies of its reports have been communicated to the Central Council of the Federation of Yugoslav Trade Unions and to the Federal Economic Chamber.

The Government of *Burma* has stated that copies of its reports will be sent to the workers' councils concerned as and when they are formed.

The Government of *Cuba* has stated that copies of its reports have been communicated to the Cuban Workers' Union and to the managements of industrial undertakings.

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: British Virgin Islands.

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

Bahamas.

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

Article 1 of the Convention. Statistics on unemployment are published in the annual labour report.

Article 2. The joint advisory committee appointed under section 8, paragraph 1, of the Trade Union and Industrial Conciliation Act, 1958, includes not more than five employers' representatives and not more than five workers' representatives.

No private employment agencies exist.

Basutoland (First Report).

There is no legislation or administrative regulations which apply the provisions of the Convention, but the fact that an employment office has been established means that most of the provisions and intentions of the Convention are covered.

Article 1 of the Convention. The economy is largely pastoral and agricultural and there is little wage-earning employment. During the last decade the term "unemployment" has been in most cases relative. Real unemployment is a feature of recent years brought about by the exodus of the peasant population from the rural areas into the sophisticated urban areas; consequently technical and vocational training in both white- and blue-collar jobs is required. The exodus is the result of the shrunken arable and pastoral land following the inescapable parcelling-out of the land into smaller and smaller holdings to meet the growing rural population. It is this category of worker which is difficult to place in employment. The absence of any form of industry is a contributory factor to unemployment and underemployment. One of the aims of the Development Plan is to provide additional employment. There are no statistics of unemployment.

Article 2. An employment office was opened in Maseru in May 1963 under the authority of the Labour Department. No committee has been appointed to advise on its administration. There are no private free employment agencies.

Article 3. There is no system of insurance against unemployment.

Guernsey.

Social Insurance (Guernsey) Law, 1964.

Social Insurance (Contributions) (Guernsey) Regulations, 1964.

Social Insurance (Overlapping Benefits) (Guernsey) Regulations, 1964.

Social Insurance (Unemployment and Sickness Benefit) (Guernsey) Regulations, 1964.

Unemployment insurance was introduced into Guernsey in January 1965 by the above-mentioned legislative texts.

Swaziland.

See under Convention No. 88.

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

Netherlands (Netherlands Antilles), *United Kingdom* (Bahamas, Guernsey, Jersey, Isle of Man, Mauritius).

The following report repeats the information previously supplied:

United Kingdom (Gibraltar).

5. Minimum Age (Industry) Convention, 1919 ¹

This Convention came into force on 13 June 1921

Denmark. Ratification: 4 January 1923.
 Applicable without modification: Faroe Islands: 4 January 1923.
 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 modification ²:
 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.
 Basutoland: 16 June 1965.

Applicable with modifications:
 Bermuda: 3 August 1964.
 Brunei: 26 April 1965.

Decision reserved:
 Southern Rhodesia: 20 November 1963.
 Aden: 24 February 1964.
 Dominica: 17 September 1964.

¹ This Convention was revised by Convention No. 59 of 1937.

² See footnote 1 to Convention No. 2.

* * *

The following report refers to the information previously supplied:

United Kingdom (Bermuda).

6. Night Work of Young Persons (Industry) Convention, 1919 ¹

This Convention came into force on 13 June 1921

Denmark. Ratification: 4 January 1923.
Applicable without modification:
Faroe Islands: 4 January 1923.
Greenland: 31 May 1954.
France. Ratification: 25 August 1925.
Applicable without modification:
Overseas Departments: Guadeloupe, Martinique, Réunion: 3 February 1934; French Guiana: 29 April 1940.
Overseas Territories: Comoro Islands, French

Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 29 April 1940.

Netherlands. Ratification ²: 17 March 1924.
No declaration.

United Kingdom. Ratification ²: 14 July 1921.
No declaration.

¹ This Convention was revised by Convention No. 90 of 1948.

² Ratification denounced.

FRANCE

Comoro Islands.

In reply to a direct request made by the Committee of Experts in 1964, the Government has stated that an order governing night work in industry by women and children was due to be submitted to the Chamber of Deputies at its 1965 session.

Martinique.

Collective Agreement, 1964.

In reply to an observation made by the Committee of Experts, it has been indicated that the above-mentioned collective agreement provides that work shall begin at 4 a.m., a practice which is no more than tolerated by the administrative authorities.

* * *

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

France (Comoro Islands, French Guiana, Martinique, Réunion).

The following reports repeat or refer to the information previously supplied:

France (French Polynesia, French Somaliland, Guadeloupe, New Caledonia).

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.
Brunei: 26 April 1965.
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.

¹ This Convention was revised in 1936. See Convention No. 58.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Hong Kong.

Employment of Young Persons and Children at Sea (Amendment) Ordinance, 1965.

In reply to a direct request made by the Committee of Experts, the Government has stated that the Employment of Young Persons and Children at Sea Ordinance has been amended.

Section 2 of the ordinance provides that no child under 14 years of age shall be employed or be caused or permitted to work as a member of the crew of any vessel, other than a vessel in which only members of the same family are so employed.

* * *

The following reports repeat or refer to the information previously supplied:

United Kingdom (Bermuda, Fiji).

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.
Brunei: 26 April 1965.

Applicable with modifications:
Barbados: 26 June 1962.
British Guiana: 16 June 1965.

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.

¹ See footnote 1 to Convention No. 2.

* * *

The following report supplies information on the practical effect given to the Convention:

United Kingdom (British Honduras).

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.

Applicable with modifications:
Brunei: 26 April 1965.

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

Antigua.

Employment of Women, Young Persons and Children Act, No. 3 of 1938.

Employment of Children Prohibition Act, No. 5 of 1939.

Elementary Education Act.

Elementary Education (Amendment) Act, No. 6 of 1939.

Education Ordinance, No. 11 of 1956.

Act No. 5 of 1939 prohibits the employment of children under the age of 12 years in any occupation whatsoever other than in domestic work or agricultural work, of a light nature at home, by the parents or guardian of such children. The school attendance officer ensures the enforcement of this law by requiring that children under the age of 14 years must attend school. There are no technical schools engaged in agricultural work of any sort.

British Guiana (First Report).

Education Ordinance (*Laws of British Guiana*, revised edition, 1953, Cap. 91).

Article 1 of the Convention. The provisions of this Article are applied by section 17, section 20, paragraph 1, and section 21 of the Education Ordinance.

Article 2. Administrative arrangements have been made whereby in a few localities permission is granted, on application to the chief education officer, for schools to close for a period not exceeding two weeks each year during the Christmas term to facilitate harvesting of the rice crop. This period is regained by the lengthening of the two succeeding terms by one week each. The Ministry of Education fixes

the length of the three school terms at the beginning of each year in such a way as to ensure a minimum annual period of 39 weeks (approximately nine months).

Article 3. The provisions of this Article are not applicable. There are no agricultural technical schools catering for children under the age of 14 years.

British Honduras.

Government Workers' Rules, 1964.

Dominica.

In reply to a request made by the Committee of Experts in 1965, the Government has indicated that, according to sections 2 and 3 of the ordinance which prohibits the employment of children (Cap. 110 of the *Laws of Dominica*), the term "child" means a person under the age of 12 years, and no one may employ a child (except on light agricultural and domestic work for the account of the child's parents or tutors). However, children under the age of 14 years are not employed (except by their parents or tutors), so that no amendment to the ordinance would appear to be necessary.

The Government has also stated that the proper authorities continue to ensure that the employment of children outside of school hours is not of such a nature as to prejudice their attendance at school.

Falkland Islands.

The Government has stated in its supplementary report that the new Employment of Children Ordinance will almost certainly be dealt with by the end of May 1966.

There is no evidence to show that any children are, in fact, being employed under the first proviso to the present ordinance, and the magistrate has been instructed not to grant any permission under the second proviso thereto.

Gilbert and Ellice Islands.

Employment Ordinance, No. 6 of 15 September 1965 (repeals Labour Ordinance, No. 6 of 1951).

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

Article 1 of the Convention. No particular reference is made to employment outside school hours but it is considered that, in the circumstances of the colony, family and communal agriculture is unlikely to jeopardize school attendance (section 84 of the above-mentioned ordinance). School attendance of children under 16 years of age was made compulsory at Ocean Island by a proclamation of 15 November 1955 applying section 35 of the Education Ordinance, No. 2 of 1955; it was made compulsory in other islands with indigenous populations by island regulations made by island councils under section 16 of the Native Government Ordinance, No. 4 of 1941.

Article 2. The colony's one agricultural activity is the production of copra, and there is no harvesting season since there is year-round production.

Article 3. There are no technical schools in the colony but, under section 92 of the Employment Ordinance, 1965, persons between 14 and 16 years of age may be apprenticed, subject to the approval of the Commissioner of Labour and under his supervision.

Grenada.

In reply to a request made by the Committee of Experts in 1965, the Government has supplied the following information.

Section 8 of the *Employment of Women, Young Persons and Children Ordinance* sets out the restrictions on the employment of children in any undertaking, whether industrial or otherwise.

There are no technical schools teaching agriculture in the island, but this subject forms part of the curricula of some schools and any work done is approved and supervised by public authority.

Guernsey.

In reply to a direct request made by the Committee of Experts in 1965, the Government has furnished the following information.

No specific legislation has been enacted to regulate the work of children in agriculture.

Article 2 of the Convention. It is not the practice to arrange for practical vocational instruction outside of the normal school curriculum, so that the need to arrange the hours of school attendance in order to permit the employment of children on light agricultural work or on light work connected with the harvest does not arise.

Article 3. There are no technical schools in Guernsey. However, under section 22 of the *Education Law*, children may be required during ordinary school hours to undergo such manual training as may be prescribed by the Education Council at any centre provided by the states for the purpose.

Jersey.

In reply to a request made by the Committee of Experts, the Government has indicated that Articles 2 and 3 of the Convention have no practical application. As regards Article 1, the draft of a new *Children's Law* is under discussion.

St. Vincent (First Report).

Employment of Children (Prohibition) Ordinance, No. 8 of 1940 (Saint Vincent Ordinances for the Year 1940).

The *Employment of Children (Prohibition) Ordinance, 1940*, prohibits the employment of children in any occupation, with certain exceptions. One of these exceptions is the service rendered by any child to his parent or guardian in light agricultural or horticultural work on the family land or garden outside of school hours.

The legislation in force aims at providing for inspection and supervision of all industrial undertakings, including agricultural undertakings.

St. Vincent is primarily an agricultural community, so that it is natural to find a number of children employed on farms and engaged in other agricultural pursuits. Every effort is made to ensure that children under the age of 14 years are not permitted to work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. As there are no compulsory school attendance laws it is possible for a child to leave school under the age of 14 years and to seek work on a farm, since the law does not require an employer to obtain documentary proof of a child's age. One of the measures for discouraging such a practice is to make the employer pay a child the wages of an adult.

Practical vocational instruction courses are not conducted at present, but when these are initiated adequate provision will be made by the appropriate government

authority to ensure that such employment will not reduce the total annual period of school attendance to less than eight months.

There are no technical schools in the territory for the training of children.

Supervision is maintained by the Department of Labour and the police to ensure that children under the age of 14 years are not employed in any undertaking whatsoever. Employers are required by law to keep a register of young persons employed by them who are under 18 years of age. These registers also record the dates on which the young persons enter and leave the service of their employer. Failure to keep a proper register may result in the employer being penalised by means of a fine.

* * *

The following reports repeat or refer to the information previously supplied:

Australia (New Guinea, Norfolk Island, Papua), *Netherlands* (Netherlands Antilles), *United Kingdom* (Bermuda, British Honduras, Isle of Man, St. Helena).

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

This Convention came into force on 26 February 1923

Australia. Ratification: 7 June 1960.
 Applicable without modification:
 New Guinea, Papua: 31 January 1966.
 Not applicable:
 Nauru: 31 January 1966.
 Decision reserved:
 Norfolk Island: 31 January 1966.
Denmark. Ratification: 26 February 1923.
 Applicable without modification: Faroe Islands: 28 September 1960.
 Not applicable: Greenland: 31 May 1954.
France. Ratification: 4 April 1928.
 No declaration.
Netherlands. Ratification: 20 August 1926.
 Applicable without modification: Netherlands Antilles: 15 December 1955.
 No declaration: Surinam.
New Zealand. Ratification: 29 March 1938.
 No declaration.
United Kingdom. Ratification: 6 August 1923.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 6 August 1923.

Applicable without modification:
 Antigua, Barbados, British Guiana, British Honduras, Dominica, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Mauritius, Montserrat, St. Lucia, St. Vincent, Solomon Islands: 4 June 1962.
 Fiji: 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.
 Brunei: 25 April 1965.
 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: Seychelles.

¹ See footnote 1 to Convention No. 2.

NEW ZEALAND

Cook Islands and Niue.

See under Convention No. 17.

UNITED KINGDOM

Bahamas.

Workmen's Compensation (Amendment) Act, 1965.

The above-mentioned amendment includes in the scope of the Workmen's Compensation Act agricultural wage earners where 30 or more persons are employed by the same employer.

Barbados.

Workmen's Compensation Act, 1964.

The above-mentioned Act consolidated and revised the law relating to compensation payable to workmen for personal injury by accident arising out of and in the course of their employment. The old Act was repealed by section 51, but the regulations and forms made thereunder have been kept in force.

The system of workmen's compensation applies to all workmen, including agricultural wage earners. There is no special system of workmen's compensation or accident insurance for any particular class of workman.

Basutoland.

Observance of the Convention's provisions has been enforced by the application, with effect from 1 August 1964, of the Workmen's Compensation Proclamation, No. 4 of 1948, as amended, to all persons in employment except for those excluded by section 2 (a) to (e), persons whose services are rewarded in kind according to custom, and domestic servants employed in private households.

Bechuanaland.

The application of the Workmen's Compensation Proclamation has been extended by Government Notice No. 96 of 1964, which came into operation on 5 June 1965. Agricultural workers are now entitled to compensation unless they are out-workers, members of the employer's family living with him, or workers whose services are rewarded in kind according to custom.

Bermuda.

For legislation, see under Convention No. 17.

There is no special system of workmen's compensation or accident insurance for agricultural workers.

Guernsey.

For legislation, see under Convention No. 17.

The Convention is applied by section 1 and Part III of the Social Insurance Law. Agricultural workers are covered by the Social Insurance Law.

Hong Kong.

See under Convention No. 17.

St. Lucia.

Workmen's Compensation Ordinance, No. 2 of 1964.
Workmen's Compensation Regulations, No. 13 of 1964.

The definition of workman includes persons engaged in agriculture. The conditions under which benefits in cash are granted and the amount of such benefits are the same as those prescribed for other workers in case of personal injuries arising out of and in the course of employment.

Solomon Islands.

See under Convention No. 17.

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

Australia (New Guinea, Papua), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia), *United Kingdom* (Barbados, British Guiana, British Honduras, Guernsey, Isle of Man, St. Lucia, Solomon Islands, Swaziland).

The following reports repeat or refer to the information previously supplied:

Australia (Nauru, Norfolk Island), *France* (French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles), *New Zealand* (Tokelau Islands), *United Kingdom* (Aden, Antigua, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Jersey, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles, Southern Rhodesia).

13. White Lead (Painting) Convention, 1921

This Convention came into force on 31 August 1923

France. Ratification: 19 February 1926.
Applicable without modification:
Overseas Departments: Guadeloupe, Martinique, Réunion: 9 February 1934; French Guiana: 24 January 1939.
Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia,

St. Pierre and Miquelon: 24 January 1939.
Netherlands. Ratification: 15 December 1939.
Applicable without modification: Surinam: 5 August 1957.
No declaration: Netherlands Antilles.

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

France (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion).

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

This Convention came into force on 20 November 1922

Australia. Ratification: 28 June 1935.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 28 June 1935.

Denmark. Ratification: 23 April 1938.
Applicable without modification:
Faroe Islands: 23 April 1938.
Greenland: 31 May 1954.

France. Ratification: 22 March 1928.
No declaration.

Japan. Ratification: 7 June 1924.
Not applicable: Pacific Islands (League of Nations mandate): 7 June 1924.

Netherlands. Ratification: 9 March 1928.
No declaration.

New Zealand. Ratification: 5 December 1961.
Not applicable: Cook Islands and Niue, Tokelau Islands: 5 December 1961.

United Kingdom. Ratification: 8 March 1926.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 8 March 1926.

Applicable without modification²: Aden, Bermuda, Dominica, Gambia, Gibraltar, Grenada, Hong Kong, Malta, Mauritius, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 27 March 1950.

Brunei²: 11 September 1961.
Montserrat²: 5 July 1962.

Applicable with modifications²:
Fiji: 27 March 1950.
Barbados²: 29 December 1958.

Decision reserved²: Antigua, Bahamas, British Guiana, British Honduras, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, Nyasaland, St. Christopher-Nevis-Anguilla: 27 March 1950.

Not applicable²: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when this Convention comes into force.

UNITED KINGDOM

Bermuda.

Children and Young Persons Act, 1963.

Section 9 of the above-mentioned Act provides that any child or young person employed in any vessel must be medically examined before he undertakes such employment and once every 12 months thereafter. The examination shall be carried out by a physician approved by the competent authority.

British Honduras.

Labour (Amendment) Ordinance, 1964, to amend sections 158 and 161 of the Labour Ordinance, 1959.

The new enactment specifies that the employment of young persons on board a vessel is subject to a medical examination which is required to be carried out by a physician approved by the competent authority and the validity of which may not extend beyond one year or the end of the voyage in progress. Moreover, no young person under the age of 15 may be employed on board ship.

Fiji.

Employment Ordinance, 1964.

Article 1 of the Convention. The requirements of Article 1 are met by section 2 of the Employment Ordinance which gives a definition of the term "vessel". By notice in the *Gazette* the Governor in Council may exclude from this definition ships

of less than a prescribed tonnage or carrying a crew of less than a prescribed number; but recourse has never been had to this possibility.

Articles 2 and 3. The requirements of these Articles are met by section 70 of the ordinance.

Article 4. The legislation does not provide for such exemptions.

The Fiji Marine Board and the Commissioner of Labour are the authorities responsible for the enforcement of the legislation.

Gilbert and Ellice Islands.

Employment Ordinance, No. 6 of 15 September 1965, to amend the Labour Code Ordinance and the Employed Persons (Repatriation) Control Ordinance.

The provisions of Articles 1, 2 and 4 of the Convention are applied respectively by section 83, paragraph 1, section 85, paragraph 1 (*b*), section 87 (*b*) and (*c*), section 97 (*b*), and sections 107 and 108 (Parts IX, X and XI) of the above-mentioned ordinance. However, the obligation to repeat the medical examination yearly (as laid down in Article 3 of the Convention) is not taken into account by the new legislation.

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The following reports repeat or refer to the information previously supplied:

United Kingdom (Guernsey, Jersey, 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.

Gibraltar³: 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, Grenada, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia: 27 March 1950.

Swaziland: 12 June 1964.

Solomon Islands: 30 March 1965.

Fiji: 7 January 1966.

Decision reserved²: Bermuda, Brunei, Gilbert and Ellice Islands, Hong Kong, Seychelles: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 17 concerning *France*.

NETHERLANDS

Netherlands Antilles.

A proposal to revise the Industrial Accidents Regulations, 1936, is now under consideration by the central legislative instances.

NEW ZEALAND

Cook Islands and Niue.

The Legislative Assembly of the islands has enacted the Workers' Compensation Ordinance, 1964, which, in addition to covering workers employed by the Crown other than armed forces personnel, applies to all other workers with limited exceptions.

Under this ordinance employers' liability insurance must be effected with the Treasurer of the Cook Islands.

Although extension of the Convention to the islands could now be contemplated, it may be possible only under the conditions provided for in article 35 of the I.L.O. Constitution. In view of the possible early deletion of this article, it may no longer be opportune to take such action. The matter is, however, being referred to the Government of the Cook Islands for its consideration and appropriate action.

UNITED KINGDOM

Barbados.

Workmen's Compensation Act, No. 3 of 1964.

The Workmen's Compensation Act, No. 3 of 1964, which consolidated and revised the law relating to compensation payable to workmen for personal injury

caused by accidents arising out of and in the course of their employment, came into force on 15 March 1964.

The main changes are as follows: (a) the definition of the term "dependants" has been modified and enlarged so as to include any person wholly or partly dependent upon the earnings of the workman at the material time (section 2 (i)); (b) domestic servants and persons fishing or working for reward or plying for hire with any vehicle or vessel the use of which is obtained under a contract of bailment other than a hire purchase agreement have been included within the scope of the Act; (c) the sphere of application to non-manual workers has been widened to include persons whose annual remuneration does not exceed \$4,800; (d) an accident arising in the course of a workman's employment is deemed in the absence of evidence to the contrary to have arisen out of the employment (Section 3, paragraph 2); (e) accidents happening while meeting emergencies are now covered (section 4); (f) provision has been made for payment of additional compensation in cases of partial or total disablement where constant help is needed (section 8, paragraph 1); (g) provision has been made for additional compensation to defray certain medical and other expenses; (h) provision has been made for the establishment of a list of occupational diseases (Part IV and First Schedule, not yet in force); (i) the amount of compensation payable in case of death, permanent disablement and temporary disablement has been increased.

Basutoland.

See under Convention No. 12.

Bechuanaland.

See under Convention No. 12.

Bermuda.

Workmen's Compensation Act, No. 25 of 1 May 1965.

Article 2 of the Convention. Sections 1 and 3 of the Act apply the provisions of this Article. The legislation is comprehensive.

Advantage has been taken of the exceptions provided for in the second paragraph of the Article. Definitions are given in section 3 of the Act. The limit of remuneration fixed for the application of the Act to non-manual workers is £2,000.

Article 3. Persons in the employment of the Metropolitan Government or the Government of the United States who have been engaged outside Bermuda are generally exempted from coverage (section 3). These persons are presumed to be covered by the legislation of their own countries on terms not less favourable than those of the Convention.

Article 5. Compensation in the case of permanent incapacity or death is paid into court and distributed to the injured person or his dependants for their benefit in such manner as the court thinks fit.

Article 6. The waiting period comprises three consecutive days. Compensation is usually paid by an insurance company or, in the case of public employees, by virtue of a Treasury vote. However, not all employers are insured and in such cases they are required to make direct payment.

Article 7. Additional compensation amounting to one-quarter of the amount otherwise payable is paid where an injury results in permanent total incapacity such that the injured workman must have the constant help of another person (section 6).

Article 8. A copy of any agreement as to compensation must be sent to the competent authority (section 15). Provision for review is made by section 17. Any periodical payment may be reviewed by the court at any time on the application of either the employer or the workman.

Article 9. Medical aid (defined in section 2 of the Act as including medical and pharmaceutical aid) is dealt with in Part III, especially section 34, and the provisions in this respect were due to be supplemented by regulations made under section 38 when the Act entered into force on 1 August 1965. Such aid is usually paid for by an insurance company, or in the case of public employees, by virtue of a Treasury vote.

Article 10. The employer is required to defray reasonable expenses in respect of the supply, maintenance, repair and renewal of non-articulated artificial limbs or any other artificial appliances to an aggregate amount not exceeding £100 (section 34). No special supervisory measures are provided for.

Article 11. Safeguards in the event of the bankruptcy of an employer are provided for under section 30. Furthermore, all insurers must be authorised (section 26).

Fiji.

Workmen's Compensation Ordinance, 1964.

The enactment of the above-mentioned ordinance has introduced the following changes.

Article 7 of the Convention. Where an injury results in permanent total incapacity of such a nature that the injured workman must have the help of another person, additional compensation shall be paid equal to one-quarter of the amount otherwise payable (section 7, paragraph 2, of the ordinance).

Article 10. The employer shall defray expenses in respect of—(a) medical, surgical and hospital treatment, skilled nursing services and the supply of medicines to an amount not exceeding £300 in all; (b) the supply, maintenance, repair and renewal of any artificial appliances or apparatus, for a period of up to five years, to an amount not exceeding £100 in all; (c) all reasonable transport charges to an amount not exceeding the sum of £100 in all (section 32).

Article 11. The Governor in Council may make an order requiring employers to insure against any liabilities which they may incur under the ordinance (section 26). Workmen's compensation claims receive priority over all other debts where the employer is insolvent (section 27).

Guernsey.

Social Insurance (Obligations of Employers) (Guernsey) Regulations, 1964.

Social Insurance (Widow's Benefit and Retirement Pensions) (Guernsey) Regulations, 1964.

For other legislation see under Convention No. 24.

The new legislation establishes a general social insurance scheme which provides that compensation for an accident arising out of and in the course of a person's employment shall be paid by a Fund to which employers, insured persons and the states of Guernsey contribute.

Benefit is not related to wages. For temporary incapacity caused by an accident, sickness benefit is paid irrespective of whether the incapacity has arisen out of and in the course of the insured person's employment or not. Payment for the first three days of incapacity is subject to there being a further nine days of incapacity or unemployment within the same period of interruption of employment. The contribu-

tion conditions for sickness benefit, if not satisfied by a person who has suffered an accident, shall be deemed to be satisfied if he proves that his incapacity was due to an accident arising out of and in the course of his employment.

Sickness benefit is payable so long as the insured person continues to be incapable of work and has not retired or been deemed to retire. For the purposes of the scheme an insured person must attain the pensionable age of 65 years before he can retire and is deemed to retire on attaining 70 years.

Industrial disablement benefit is paid after entitlement to sickness benefit has ended, if the insured person continues to suffer as a result of the relevant accident a loss of faculty assessed at 20 per cent. or more. Sickness benefit and 100 per cent. disablement benefit are both paid at the rate of £2 10s. per week. Lesser degrees of disablement qualify for payment of a proportionately reduced rate of benefit. Weekly rates of benefit are increased for dependants.

Survivors' benefits in cases of death caused by accident arising out of and in the course of employment are provided by periodical payments by way of widow's benefit, increased for dependent children, or by way of guardians' allowances in the case of total orphans. Widows' benefits are at the weekly rate of £1 10s. increased by £1 per week for the first child and 12s. 6d. per week for each other child. A guardian's allowance is payable at the rate of £1 7s.6d. per week per child.

A person injured by an accident arising out of and in the course of his employment is entitled to such medical, surgical and pharmaceutical aid as is recognised as being necessary as a result of the injuries. The Fund meets the cost of supplying and renewing artificial limbs and surgical appliances.

No benefit in excess of the rates indicated above is provided for an injured person entitled to compensation who requires the constant help of another person.

Hong Kong.

Consideration is being given to a general revision of the existing Compensation Ordinance with a view to providing greater benefits for injured workers. The revision will take considerable time but, when finalised, may permit an improved declaration in respect of Conventions Nos. 12 and 17.

St. Lucia.

Workmen's Compensation Ordinance, No. 2 of 1964.

Workmen's Compensation Regulations (*Statutory Rules and Orders*, 1964, No. 13).

Article 1 of the Convention. The Workmen's Compensation Ordinance provides that workmen who suffer personal injury arising out of and in the course of their employment are compensated on practically the same terms as those laid down by the Convention.

Article 2. The ordinance applies to all workmen as defined in section 2 (b) thereof. The following persons are not regarded as workmen: (a) persons employed otherwise than by way of manual labour whose earnings exceed \$2,880 a year; (b) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business; (c) members of an employer's family dwelling in his house; (d) members of the armed forces of the Crown and persons in the employment of Her Majesty, otherwise than in the government of the territory, who have been engaged in a place outside the territory; (e) members of the police force.

Article 3. Section 39, paragraph 1 (a) to (g), of the ordinance applies to masters, seamen and seamen apprentices.

Section 37 provides that, in the case of injury to any person in the employment of the Crown to whom the provisions of the ordinance apply, and who is entitled to a pension or gratuity which would not be payable if such injury were received otherwise, that person or his dependants shall be paid compensation under the ordinance or the pension or gratuity, whichever is the greater. In virtue of section 38 (ii) the provisions of the last preceding section shall, *mutatis mutandis*, apply in respect of a workman in the employment of any local authority where provision exists by law, or by by-law or regulation, for the grant of a pension or gratuity to such workman in the case of an injury suffered by him in the discharge of his duties, or to any dependant in the event of the workman's death resulting from that injury.

Article 4. The definition of workmen in the Workmen's Compensation Ordinance includes persons engaged in agriculture.

Article 5. The compensation payable to an injured person or his dependant in the case of an accident resulting in permanent incapacity or death is paid wholly or partially in the form of a lump sum and not in the form of a pension. Compensation payable shall be deposited with the Registrar and any sum so deposited shall be paid to the person entitled thereto or shall be invested, applied or otherwise dealt with for his benefit in such manner as the Registrar, or—upon reference of the matter to him by the Registrar—the Commissioner, shall think fit.

Article 6. In accordance with section 4 (a) of the ordinance an employer shall not be liable in respect of any injury which does not disable the workman for a period of at least three days from working for full earnings at the work on which he was employed. The employer is liable to pay compensation except in cases of injury directly or indirectly sustained as a result of war, invasion, the acts of foreign enemies, hostilities or war-like operations.

Article 7. Section 10 provides that, where, in the opinion of a registered medical practitioner, a workman's disablement, whether total or partial, is such that he requires the constant assistance of another person, additional compensation shall be paid to the workman during such disablement at a rate which is not less than one-half of the rate prescribed in section 9 of the ordinance.

Article 8. Provision is made in section 13 for compensation to be reviewed by the Commissioner, either under an agreement between the parties or under the order of the Commissioner, on the application either of the employer or of the workman accompanied by the certificate of a registered medical practitioner to the effect that there has been a change in the condition of the workman. Half-monthly payments may on review under this section, and subject to the provisions of the ordinance, be continued, increased, or decreased or ended, or, if the accident is found to have resulted in permanent disablement, be converted into the lump sum to which the workman is then entitled.

Article 9. Section 7, paragraph 3, states that an employer shall be liable to pay a workman, or any other person providing the same services, reasonable expenses up to an amount not exceeding \$250 in respect of the following: (a) medical, surgical and hospital treatment, skilled nursing services and the supply of medicines; (b) travelling expenses involved as a result of periodic treatment prescribed by a registered medical practitioner.

Article 10. Section 11 provides that, where an accident has caused the loss of a limb or other mutilation, and the supply of an artificial member or members and apparatus will improve the earning capacity of an injured workman, such artificial member or members and apparatus shall be provided at the expense of the employer and the rate of compensation payable shall be reduced in proportion to the resulting

improvement in earning capacity. The Commissioner may order an employer to pay for the replacement or repair of an artificial member or members and apparatus damaged as a result of an accident arising out of and in the course of a workman's employment by that employer.

Article 11. Section 35 ensures that, where the employer is insured, in the event of his becoming insolvent or bankrupt, his rights shall be transferred to and vested in the workman. If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may claim the balance from the receiver or manager, and the balance claimed in respect of compensation must be included among the debts to be paid in priority of all other debts, in accordance with sections 221 and 573 of the Commercial Code.

Solomon Islands.

Workmen's Compensation (Amendment) Ordinance, No. 2 of 1964.

The provisions of the Workmen's Compensation Ordinance have been modified by the above-mentioned ordinance in respect of the following points.

Article 2 of the Convention. Section 3, as amended, contains a new definition of the term "member of a family".

Article 6. According to section 9, paragraph 1 (*d*) (iii), as amended, if the period of incapacity exceeds three days, compensation shall be payable in respect of the total period of incapacity.

Article 7. Where permanent total incapacity is of such a nature that the injured workman must have the constant help of another person, additional compensation shall be paid amounting to one-quarter of the amount otherwise payable (section 7, paragraph 2, as amended).

Article 10. Artificial members or apparatus are supplied if the earning capacity of the workman will thereby be improved. No provision is made for their renewal except as the result of an accident arising out of and in the course of employment (section 9 A as amended).

Article 11. Section 25 A, as amended, provides that the High Commissioner may, by an order published in the *Gazette*, require any employer or class of employers to insure with such insurers as may be approved by him.

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

France (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion), *Netherlands* (Netherlands Antilles), *United Kingdom* (British Guiana, British Honduras, Grenada, Guernsey, Jersey, Isle of Man, Montserrat, Southern Rhodesia).

The following reports repeat or refer to the information previously supplied:

New Zealand (Tokelau Islands), *United Kingdom* (Aden, Antigua, Dominica, Falkland Islands, Gibraltar, Mauritius, St. Helena, Seychelles).

18. Workmen's Compensation (Occupational Diseases) Convention, 1925¹

This Convention came into force on 1 April 1927

Australia. Ratification: 22 April 1959.
Applicable without modification: Nauru, New Guinea, Papua: 8 February 1961.
Decision reserved: Norfolk Island: 8 February 1961.

Denmark. Ratification: 18 June 1934.
Applicable without modification: Faroe Islands: 18 June 1934.
Not applicable: Greenland: 31 May 1954.

France. Ratification: 13 August 1931.

Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 15 March 1938.
No declaration: all other territories.
Netherlands. Ratification²: 1 November 1928.
No declaration.
United Kingdom. Ratification²: 6 October 1926.
No declaration.

¹ This Convention was revised in 1934. See Convention No. 42.

² Ratification denounced.

AUSTRALIA

Nauru.

See under Convention No. 42.

New Guinea.

See under Convention No. 42 concerning *Papua*.

Papua.

See under Convention No. 42.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 42 concerning *France*.

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

France (Comoro Islands, New Caledonia).

The following reports repeat or refer to the information previously supplied:

Australia (Norfolk Island), *France* (French Polynesia, French Somaliland).

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 modification ¹:
Guernsey, Jersey, Isle of Man: 6 October 1926.

Applicable without modification ²:

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 reserved ²: Bermuda, Gilbert and Ellice Islands, Seychelles: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 19 concerning *France*.

UNITED KINGDOM

Barbados.

Workmen's Compensation Act, No. 3 of 1964.

Article 1 of the Convention. While there are no special provisions guaranteeing foreign workers and their dependants equality of treatment, such workers do in fact enjoy the same treatment as local workers in respect of compensation for disablement resulting from an accidental injury.

There are no legislative or other provisions relating to the payment of compensation to Barbadians or non-Barbadians injured in industrial accidents who reside outside the island.

Article 2. The Act applies to all workers employed in Barbados irrespective of the nationality of the employer or the worker.

Article 4. There is no legislative or administrative regulation applying the provisions of this Article.

Basutoland.

The provisions of the Convention are applied by section 38 of the Workmen's Compensation Proclamation, No. 4 of 1948, which provides for the transfer of moneys to beneficiaries in other territories.

See also under Convention No. 12.

Bermuda.

For legislation, see under Convention No. 17.

There is equality of treatment as between nationals under the Workmen's Compensation Act. According to the Act liability of an employer does not cease by virtue of a workman injured in an industrial accident or his dependants residing outside the territory, whatever the workman's nationality may be. Section 40 specifically provides for the transfer of funds within Her Majesty's dominions, although so far no arrangements between governments have been made. By a recent agreement with the Portuguese Government, additional assurances have been given that imported Portuguese contract labour will benefit from any social security legislation enacted by the Bermuda Government, and the workman's individual contract provides accordingly.

Guernsey.

For legislation, see under Convention No. 24.

Section 1 of the Social Insurance Law and regulation 2 of the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1964, have the effect of making immediately insurable a person who takes up employment under a contract of service, irrespective of nationality.

Section 37 of the law states that, except where regulations otherwise provide, benefit shall not be payable to an insured person or to the husband or wife of a beneficiary during any period when that person is not ordinarily resident in Guernsey. The Social Insurance (Residence and Persons Abroad) Regulations, however, modify the restrictive nature of section 37.

Section 68 of the law permits modification of the law in order that reciprocal agreements may be made with any part of Her Britannic Majesty's dominions and with foreign countries. An interim reciprocal agreement has been entered into with Great Britain, Northern Ireland and the Isle of Man.

Solomon Islands.

See under Convention No. 17.

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

Australia (Nauru), *France* (Comoro Islands, French Guiana, Guadeloupe, Martinique, New Caledonia, Réunion), *United Kingdom* (Gilbert and Ellice Islands, Guernsey, Isle of Man, Swaziland).

The following reports repeat or refer to the information previously supplied:

Australia (New Guinea, Norfolk Island, Papua), *France* (French Polynesia, French Somaliland), *United Kingdom* (Aden, Antigua, Bahamas, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gibraltar, Grenada, Jersey, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles, Southern Rhodesia).

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.
Barbados: 1 February 1966.

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.

UNITED KINGDOM

Dominica.

In reply to a direct request made by the Committee of Experts, the Government has stated that the Merchant Shipping (Agreements) Act (Cap. 143 of the *Federal Acts of the Leeward Islands*, 1927 edition), now called the Merchant Shipping (Agreements) Ordinance (Cap. 294 of the *Laws of Dominica*), is still in force.

Fiji.

Although previous reports indicated that the Convention could be applied without modification, further examination of the position has shown that Articles 9 to 14 (inclusive) of the Convention are not complied with; efforts are now being made to prepare model legislation which would reflect the requirements of these Articles.

Hong Kong.

Merchant Shipping Ordinance, No. 14 of 1953.

United Kingdom Merchant Shipping Acts, 1894-1952.

The Convention has been declared applicable to Hong Kong with modifications in respect of Articles 1, 4, 9, 12 and 13.

Article 1 of the Convention. Section 2 of the ordinance contains a definition of the term "ship". In practice the legislation is applied to vessels under 60 tons in weight when the vessels concerned are British registered ships. It is not applied to vessels of 60 tons or under which are classified as launches, ferries and motor boats and the trade of which is limited to waters surrounding the island of Hong Kong.

This Article is applied in respect of British ships and foreign ships of nations not represented in the colony by a consular officer.

Article 2. The definitions used in the ordinance correspond to those used in the United Kingdom Merchant Shipping Acts, except that there is no definition of a "home trade vessel".

Article 3. The administrative practice in Hong Kong is that articles of agreement must be signed at the Mercantile Marine Office. Section 9, paragraphs 1 and 2, of the ordinance contains provisions concerning the signing of such articles of agreement. For practical details, section 115 of the Merchant Shipping Act, 1894, is applied. Paragraph 6 of the Article is applied by section 127 of the Merchant Shipping Act, 1894, and by section 12, paragraph 1, of the ordinance.

Article 4. There is no specific legislation covering this practice; it is not in fact permitted.

Article 5. The provisions of this Article are applied by section 12, paragraph 4, of the ordinance.

Article 6. The provisions of this Article are applied by section 10, paragraphs 1 and 2, of the ordinance. Agreements for indefinite periods are not permitted.

Article 7. The standard form of articles of agreement contains a section showing a detailed list of the crew on board. The form of the agreement is prescribed by regulation 114 made under the Merchant Shipping Act, 1894.

Article 8. The provisions of this Article are covered by section 120 of the Merchant Shipping Act, 1894.

Article 9. There is no specific legislation governing agreements for an indefinite period; in practice they are not allowed.

Articles 10 and 11. The circumstances in which an agreement can be terminated are set forth in sections 30 and 33 of the Merchant Shipping Act.

Article 12. There is no legislative provision to give effect to this Article, but there are certain well-defined grounds, which have been upheld by legal decision, on which a seaman can claim his discharge.

The enforcement of the above legislation is entrusted to the Mercantile Marine Office of the Marine Department.

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The following reports repeat or refer to the information previously supplied:

Netherlands (Netherlands Antilles), *United Kingdom* (Antigua, Bermuda, British Honduras, Falkland Islands, Gibraltar, Grenada, Guernsey, Jersey, Isle of Man).

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

France. Ratification: 4 March 1929.
No declaration.

Netherlands. Ratification: 5 May 1948.

Applicable without modification: Netherlands
Antilles: 5 August 1957.
Decision reserved: Surinam: 5 August 1957.

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The following report refers to the information previously supplied.

Netherlands (Netherlands Antilles).

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

France. Ratification: 17 May 1948.
Not applicable:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 15 November 1965.
No declaration.

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: British Virgin Islands.

¹ See footnote 1 to Convention No. 2.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 24 concerning *France*.

UNITED KINGDOM

Guernsey.

Social Insurance (Guernsey) Law, 1964.

Social Insurance (Claims and Payments) (Guernsey) Regulations, 1964.

Social Insurance (Classification) (Guernsey) Regulations, 1964.

Social Insurance (Collection of Contributions) (Guernsey) Regulations, 1964.

Social Insurance (Contributions) (Guernsey) Regulations, 1964.

Social Insurance (Determination of Claims and Questions) (Guernsey) Regulations, 1964.

Social Insurance (General Benefit) (Guernsey) Regulations, 1964.

Social Insurance (General Transitional) (Guernsey) Regulations, 1964.

Social Insurance (Industrial Disablement Benefit) (Guernsey) Regulations, 1964.

Social Insurance (Mariners) (Guernsey) Regulations, 1964.

Social Insurance (Married Women) (Guernsey) Regulations, 1964.

Social Insurance (Miscellaneous Provisions) (Transitional) (Guernsey) Regulations, 1964.

Social Insurance (New Entrants) (Transitional) (Guernsey) Regulations, 1964.

Social Insurance (Overlapping Benefits) (Guernsey) Regulations, 1964.

Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1964.

Social Insurance (Unemployment and Sickness Benefit) (Guernsey) Regulations, 1964.

Social Insurance (Determination of Claims and Questions) (Guernsey) Ordinance, 1964.

Social Insurance (Medical Certification) (Guernsey) Ordinance, 1964.

Social Insurance (Stamps) (Guernsey) Regulations, 1964.

Social Insurance (Appeals and References) (Guernsey) Order, 1964.

Social Insurance (Limited Medical Benefit) (Guernsey) Ordinance, 1965.

Social Insurance (Reciprocal Agreement with Great Britain, Northern Ireland and the Isle of Man) (Guernsey) Ordinance, 1965.

The new law and regulations establish a scheme of compulsory general social insurance. The benefits include cash sickness benefit at weekly rates. Subject to minor exceptions all employed persons are insured, including gainfully occupied apprentices, outworkers and domestic servants. No special provisions are made for agricultural workers, who are included in the scheme in the same way as other workers.

The categories of employed persons excepted from sickness insurance under the scheme are—employed persons who do not work at least eight hours per week for one employer and whose earnings from such employment are not ordinarily at least £2 per week; employed persons who go abroad following their employment in Guernsey, after they have been absent from Guernsey for a maximum period of 12 months; married women who take up temporary employment which is not intended to continue for a period of more than four weeks; employment by an employer of members of his family, if employment is either in a private dwelling-house in which both the employee and the employer reside or is not employment for the purpose of any trade or business carried on there by the employer.

Sickness benefit for persons who have paid 156 contributions since their entry into the insurance scheme is paid until the insured person, being of pensionable age, retires. The pensionable age for men and women is 65 years, and persons are deemed to retire at the age of 70. Insured persons who retire after pensionable age become entitled to a retirement pension. There is a limitation of the period for which sickness benefit may be paid of 312 days for persons who have only paid between 26 and 156 contributions since their entry into the insurance scheme. Such persons who have exhausted their entitlement to 312 days' benefit may re-qualify by working for 13 weeks and paying contributions.

Medical aid is provided as of right to insured persons in respect of personal injuries caused by an accident arising out of and in the course of their employment. In respect of a personal injury not caused by an accident arising out of and in the course of employment, medical aid is provided at the discretion of the insurance authority from moneys in a special account which is kept by the authority and into which insured persons' limited medical care contributions are paid. Apart from the foregoing provisions, neither an insured person nor his family is entitled to medical expenses arising out of illness, unless he is a "poor person", who can apply to be treated free of charge by the Parish Medical Service.

The social insurance scheme is administered by the States Insurance Authority. Funds are obtained from weekly contributions paid both by employers and employed persons. A supplement is also paid by the states of Guernsey.

Claims first come before an independent authority called the Administrator to the States Insurance Authority, who may either take a decision in respect of the claim or refer it to the appeals tribunal. An appeal may be made to the tribunal against a decision of the Administrator. Decisions of the tribunal may be appealed against to the Royal Court of Guernsey, but only on a point of law. A decision on a claim for benefit can be revised at any time if fresh evidence comes to light.

Jersey.

In reply to the request made by the Committee of Experts in 1964, the Government has stated that the Bill providing for the setting up of a health services scheme on the lines set out in the previous report has been debated by the states of Jersey but was referred back to the Social Security Committee for further consideration.

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia),
United Kingdom (Guernsey, Jersey, Isle of Man).

The following reports repeat or refer to the information previously supplied:

United Kingdom (Aden, Antigua, Bahamas, Barbados, Basutoland, Bermuda, Dominica, British Guiana, British Honduras, British Virgin Islands, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Netherlands. Ratification: 15 November 1965.
No declaration.

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.

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: British Virgin Islands.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

See under Convention No. 24.

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

United Kingdom (Guernsey, Jersey, Isle of Man).

The following reports repeat or refer to the information previously supplied:

United Kingdom (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

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.

¹ See footnote 1 to Convention No. 2.

* * *

The report from *United Kingdom* (Grenada) repeats the information previously supplied.

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Australia. Ratification: 2 January 1932.
Applicable without modification: Nauru, New Guinea, Norfolk Island, Papua: 2 January 1932.

Denmark. Ratification: 11 February 1932.
Applicable without modification¹: Faroe Islands, Greenland: 11 February 1932.

France. Ratification: 24 June 1937.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 24 June 1937.¹
Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 26 July 1954.

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.

NETHERLANDS

Surinam.

Forced or compulsory labour does not exist in Surinam.

UNITED KINGDOM

Basutoland.

Employment Law, No. 16 of 1964.

The above-mentioned law was promulgated in 1965 but has not yet entered into force.

Bechuanaland.

In reply to a request made by the Committee of Experts, the Government has indicated that the Employment Law, 1963, entered into force in October 1964. The provisions of the African Administration Proclamation, which permitted the exaction of labour in respect of any public work, have been repealed.

Bermuda.

Prison (Amendment) Rules, 1963.
Senior Training School (Amendment) Rules, 1963.

In reply to a direct request made by the Committee of Experts, the Government has referred to the above-mentioned rules, which have repealed earlier rules permitting the employment of convicts for the benefit of private persons in certain circumstances.

Dominica.

In reply to a request made by the Committee of Experts, the Government has indicated that it is left entirely to the discretion of the superintendent of a prison exceptionally to permit a prisoner to work for the private benefit of any person. There have been no reported incidents of the indiscriminate abuse of such authority.

Fiji.

In reply to a request made by the Committee of Experts, the Government has indicated that the review of the Fijian Affairs Regulations has not yet been completed. Attention will be paid to the requirements of the Convention in so far as Regulation No. 6 is concerned.

Gilbert and Ellice Islands.

Employment Ordinance, No. 6 of 1965.

The above-mentioned ordinance, which prohibits forced labour in terms corresponding to those of the Convention, was expected to be brought into force early in 1966.

In reply to a request made by the Committee of Experts regarding customary services which are rendered to a High Chief by a user of his land and which are covered by the Lands Code, the Government has indicated that there is only one High Chief recognised as such.

Jersey.

In reply to a request made by the Committee of Experts, the Government has stated that since prisoners always work under the supervision of prison warders, the question of their being hired to or placed at the disposal of private individuals and undertakings does not arise.

Isle of Man.

Prison Rules, 1965.

Only prisoners volunteering for employment in the service of private individuals would be authorised to undertake such employment.

Solomon Islands.

Labour (Amendment) Ordinance, No. 20 of 1964.

In reply to a request made by the Committee of Experts, the Government has stated that section 74 (c) and (d) of the Labour Ordinance were revoked upon publication of the above-mentioned ordinance.

* * *

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

United Kingdom (Antigua, Montserrat, St. Christopher-Nevis-Anguilla).

The following reports repeat or refer to the information previously supplied:

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Aden, Bahamas, Barbados, British Virgin Islands, Falkland Islands, Gibraltar, Grenada, Guernsey, British Guiana, British Honduras, Hong Kong, Mauritius, St. Helena, St. Lucia, Seychelles, Southern Rhodesia).

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.
Brunei: 26 April 1965.

Applicable with modifications:
Swaziland: 12 June 1964.
Basutoland, St. Christopher-Nevis-Anguilla: 17 September 1964,
Bechuanaland, Montserrat: 16 October 1964.
Gilbert and Ellice Islands, Hong Kong: 30 March 1965.

Fiji: 20 July 1965.
Bermuda: 28 February 1966.
St. Lucia: 31 March 1966.
Decision reserved:
Bahamas: 13 April 1964.
Falkland Islands, Grenada: 21 May 1964.
Aden, Antigua, St. Helena, St. Vincent: 12 June 1964.
Southern Rhodesia: 24 November 1964.
Seychelles: 10 March 1965.
Dominica: 24 September 1965.
No declaration: British Virgin Islands.

¹ This Convention revises Convention No. 18 of 1925.
² See footnote 1 to Convention No. 2.

AUSTRALIA

Nauru.

In reply to previous requests made by the Committee of Experts with regard to the establishment of a list of occupational diseases in conformity with Article 2 of the Convention, the Government has stated that the difference between the provisions of the Convention and those of the Workers' Compensation Ordinance, 1956, is one of form rather than substance or practice. It is established practice throughout the Commonwealth of Australia to give due regard in the application of workers' compensation legislation to presumption of the occupational origin of diseases. Accordingly, the Nauru Workers' Compensation Ordinance is interpreted and applied in such a way as to cover the schedule of diseases contained in Article 2 of the Convention.

New Guinea.

See under Papua.

Papua.

In reply to a request made by the Committee of Experts regarding the fact that the national legislation does not contain a list of occupational diseases and correspond-

ing trades or industries, as prescribed in Article 2 of the Convention, the Government has supplied the following information.

Section 5 of the Workers' Compensation Ordinance defines "disease" to include any physical or mental ailment, disorder, defect or morbid condition, whether of sudden or gradual development, and also includes the aggravation, acceleration or recurrence of a pre-existing disease. It is standard practice for any cases of diseases or poisonings caused by the substances enumerated in the schedule contained in the Convention, when they affect workers engaged in the corresponding industries or trades, to be considered as being of occupational origin. The ordinance is interpreted and applied in such a way as to cover the schedule of diseases reproduced in Article 2.

The handling, transport and use of all dangerous drugs, poisons and poisonous and harmful substances in the territory, and all processes utilising them, are covered by law and codes of practice. There are very few secondary industries in the territory and there is virtually no incidence of occupational diseases and poisonings of the types specified in the schedule contained in the Convention.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 42 concerning *France*.

NETHERLANDS

Netherlands Antilles.

In reply to an observation made by the Committee of Experts, the Government has stated that the draft National Accidents Insurance Ordinance has now been submitted to the legislature and makes full provision for compliance with the Convention.

NEW ZEALAND

Cook Islands and Niue.

See under Convention No. 17.

UNITED KINGDOM

Bahamas.

The Workmen's Compensation Amendment Act, 1964, provides for payment of workmen's compensation in cases of occupational diseases. Section 9 C of the principal Act, as amended, states that the Governor may, as regards any class or description of place where workmen are employed, declare, by order, any disease to be an occupational disease.

Barbados (First Report).

Workmen's Compensation Regulations, 1946.

Workmen's Compensation (Amendment) Regulations, 1947.

Workmen's Compensation Act, No. 3 of 1964 (*Official Gazette* 30 Jan. 1964, No. 9, Supplement).

The provisions of the Convention are covered by Part IV of the Workmen's Compensation Act, 1964. The Government has stated that this part of the Act has not yet been brought into operation as the setting up of the necessary machinery to administer it has not yet been completed.

Article 1 of the Convention. The Workmen's Compensation Act requires all employers to insure their workmen against the contingencies in respect of which they

are liable under the Act. Compensation is payable to workmen, or their dependants, in the event of injury or death resulting from an accident arising out of or in the course of their employment, an accident arising in the course of employment being deemed to have arisen out of it unless it is proved otherwise. The definition of "workman" covers all persons employed on contracts of service or apprenticeship with certain specified exceptions, and includes domestic servants, agricultural workers, fishermen and persons plying for hire with vehicles or vessels obtained under a contract of bailment. Non-manual workers in receipt of salaries up to a maximum of \$4,800 are also covered.

Compensation is payable on a weekly basis in respect of temporary disablement lasting for three days or more, and in the form of a lump sum for permanent total or permanent partial disablement and for cases where death results; in the latter event a limited amount is also paid for funeral expenses. Additional compensation is payable in cases of partial or total disablement where the constant help of another person is needed. The conditions under which compensation for occupational diseases is payable are laid down in sections 20 to 24 of the Act, but these provisions are not yet in force.

Article 2. The first schedule to the Act contains a list of occupational diseases.

The relevant provisions of the Act will be administered by the Judges of the Supreme Court, the Registrar of the Supreme Court and the Labour Commissioner.

Basutoland (First Report).

Workmen's Compensation Proclamation, No. 4 of 1948 (*Laws of Basutoland*, Vol. III, p. 1867).

Article 1 of the Convention. The Government has stated that the provisions of this Article are applied by sections 29 and 34 of the proclamation. Owing to the smallness of industrial undertakings the number of industrial accidents is very low and the terms and conditions of the proclamation are, for the time being, meeting adequately the intentions of the Convention. Under the proclamation a worker must, during the previous 12 months, have been engaged in the work which gave rise to the disease. The employer against whom compensation is claimed may apply for contributory payments from all previous employers in the past 12 months and, in default of agreement, the court may determine the rate of contribution. The rate of compensation is the same as for industrial accidents.

Article 2. The schedule contained in the proclamation specifies a limited number of industrial diseases, but the Minister is empowered by section 37 of the proclamation to include, after investigation, any other disease in the schedule. The Government's report stated that this has not yet been done owing to the intention to draft new workmen's compensation legislation with a much more comprehensive list of diseases than that of the current legislation.

The application of the workmen's compensation legislation is entrusted to all administrative (district commissioners) and judicial officers throughout Basutoland. It is enforced by the Subordinate Court of First Class, with a right of appeal to the High Court of Justice. Since the law does not stipulate how employers may insure their workers, but only states their liability to pay compensation, there is no scope for inspection.

Bermuda.

Workmen's Compensation Act, 1965.

Workmen's Compensation (Occupational Diseases) Regulations, 1965.

The rates of compensation prescribed are the same for industrial accidents and occupational diseases and are set out in sections 5 to 8 of the Act.

The conditions under which compensation for occupational diseases is payable are set out in sections 27 to 29 of the Act.

An occupational disease is any disease described in the schedule contained in the above-mentioned regulations.

British Honduras (First Report).

Workmen's Compensation Ordinance, No. 9 of 1959.

Workmen's Compensation (Amendment) Ordinance, No. 31 of 1963.

Workmen's Compensation (Scheduled Diseases) Order of 1964 (*Statutory Instruments*, 1964, No. 13).

Article 1 of the Convention. Section 23 of the Workmen's Compensation Ordinance, No. 9 of 1959, provides that compensation in respect of occupational diseases shall be payable to workmen incapacitated by occupational diseases, or, in the case of death from scheduled diseases, to their dependants. Rates of compensation are prescribed in section 8 of the Workmen's Compensation Ordinance, the degree of disablement being the subject of a doctor's certificate.

Article 2. The Government has stated that the diseases prescribed by the Convention are incorporated in the second schedule of the Workmen's Compensation Ordinance of 1959, as amended by the Workmen's Compensation (Amendment) Ordinance of 1963 and the Workmen's Compensation (Scheduled Diseases) Order of 1964, and that this schedule fully conforms to Article 2 of the Convention. The Government has added that dermatitis of the hand, mostly contracted in the citrus industry, continues to be the main occupational disease in the country.

Supervision of the application of the workmen's compensation legislation is the responsibility of the Labour Department.

Falkland Islands.

Article 2 of the Convention. The Government has stated that this Article has been incorporated in a draft Bill which is awaiting the approval of the legislature.

Gibraltar (First Report).

Employment Injuries Insurance Ordinance (*Laws of Gibraltar*, 1961, Cap. 147).

Employment Injuries Insurance (Occupational Diseases) Regulations (*ibid.*).

Employment Injuries Insurance (Claims and Payments) Regulations.

Employment Injuries Insurance (Medical Certification and Treatment) Regulations.

Employment Injuries Insurance (Benefit) Regulations.

Employment Injuries Insurance (Collection of Contributions) Regulations.

Employment Injuries Insurance (Determination of Claims and Questions) Regulations.

Employment Injuries Insurance (Refund of Contributions) Regulations.

Article 1 of the Convention. Weekly contributions to the compulsory employment injuries insurance scheme established by the above-mentioned ordinance are shared equally between employers and workers. Compensation is paid to insured persons who suffer personal injuries due to an industrial accident arising out of and in the course of their employment, where this is insurable employment. Administrative expenses are borne by the Government of Gibraltar and not by the Employment Injuries Insurance Fund.

Under the Employment Injuries Insurance (Occupational Diseases) Regulations, compensation is payable to workmen incapacitated by occupational diseases, or,

in the case of death from such diseases, to their dependants, in accordance with the general principles relating to compensation for industrial accidents.

Article 2. The Government has stated that this Article is applied by Regulation No. 3 and the first schedule to the Employment Injuries Insurance (Occupational Diseases) Regulations.

The Government has added that the incidence of industrial accidents and occupational diseases in the territory is low, as there are very few processes carried out which are likely to give rise to them.

Supervision of the application of the employment injuries insurance legislation is entrusted to the Director of Labour and Social Security.

Gilbert and Ellice Islands.

The Government has stated that consideration is being given, as a matter of priority, to the general amendment of the Workmen's Compensation Ordinance, in order to give full effect to the requirements of the Convention.

Guernsey.

Social Insurance (Guernsey) Law, 1964.

Social Insurance (Prescribed Diseases) (Guernsey) Regulations, 1964.

Article 1 of the Convention. This Article is applied by section 35, paragraph 1, and section 36, paragraph 1, of the Social Insurance (Guernsey) Law, 1964. Benefit is payable, in respect of accidents arising out of and in the course of employment, to insured persons who are treated for the purposes of the law as employed or self-employed persons. This benefit is not related to earning capacity and is paid from a fund set up under the provisions of the law; it is known as the Guernsey Insurance Fund and is made up of contributions by employers and employees and grants from the states of Guernsey.

Article 2. Compensation for occupational diseases is paid at the same rate as compensation for industrial accidents. The claimant must be suffering from one of the diseases specified in the regulations or a sequela. The disease must be due to the nature of the employment and, since 4 January 1965, the claimant must have been employed in one of the occupations set out in the second column of Part I of the schedule to the regulations or, in the case of pneumoconiosis, in one of the occupations set out in Part II of the schedule.

The authority entrusted with the application of the above-mentioned legislation is the States Insurance Authority.

Hong Kong.

Workmen's Compensation Ordinance, 1953.

Workmen's Compensation (Amendment) Ordinance, 1964.

Workmen's Compensation (Amendment) Regulations, 1965.

Article 1 of the Convention. Section 29 A of the ordinance, as amended, provides that, if a workman contracts an occupational disease which results in his total or partial incapacity (whether of a permanent or temporary nature) or in his death, and is due to the nature of any employment in which the workman was employed at any time within the 12 months immediately preceding such incapacity or death, whether under one or more employers, then the workman or his dependants, as the case may be, shall be entitled to compensation as if the incapacity or death

had been caused by an accident in respect of which the provisions of section 5 of the Workmen's Compensation Ordinance apply.

Article 2. The ordinance, as amended, considers as occupational diseases all those diseases and poisonings produced by the substances set forth in the schedule except silicosis, for which separate legislation will be made.

Mauritius (First Report).

Workmen's Compensation Ordinance (*Laws of Mauritius*, revised edition, 1945, Cap. 220).

Article 1 of the Convention. The Government has stated that the maximum sum payable on account of temporary total incapacity is 80 per cent. of wages, weekly payments being limited to a maximum of 100 rupees for a period not exceeding 36 months. The maximum payment for permanent total incapacity is an amount not exceeding eight years' wages. In the case of death the maximum sum payable to dependants is a sum equivalent to six years' wages of the deceased workman. Domestic servants are covered by the above-mentioned ordinance and also non-related dependants who were, at the time of the injury, living in the household of the workman.

Article 2. This Article is applied by sections 36 to 38 A and by Schedule B to the ordinance.

The application of the above-mentioned legislation is entrusted to the Ministry of Labour, which maintains a field inspectorate. Where necessary, cases are referred to the Industrial Court.

St. Christopher-Nevis-Anguilla (First Report).

Workmen's Compensation Ordinance, No. 21 of 1955.

Workmen's Compensation (Amendment) Ordinance, No. 15 of 1961.

Workmen's Compensation Regulations, 1956 (*Statutory Rules and Orders (S.R. and O.)*, 1956, No. 30).

Workmen's Compensation (Occupational Diseases) Order, 1956 (*S.R. and O.*, 1956, No. 59).

Article 1 of the Convention. Section 3 of the 1955 ordinance provides that, if a workman suffers personal injury as a result of an accident arising out of and in the course of his employment, the employer shall be liable to pay compensation in accordance with the provisions of the ordinance. No distinction is made as between compensation for accident injury and compensation for those occupational diseases prescribed in the order of 1956. The only difference in applying the provisions to the one or the other is in the manner of arriving at the date of commencement of incapacity (section 24, paragraphs 1, 2 and 3, of the ordinance).

Article 2. The occupational diseases prescribed by the order of 1956 are poisoning by lead, mercury, arsenic, benzene and its halogen derivatives, phosphorus, as well as anthrax, epitheliomatous cancer of the skin and diseases due to X-rays, ionising particles, radium or other radioactive substances. The Government has stated that silicosis is not a prescribed occupational disease. No case of silicosis has ever been reported in the territory, nor are there any industries or processes more likely to give rise to this disease than there have been in the past.

The Labour Commissioner and the courts are entrusted with ensuring the application of the workmen's compensation legislation.

St. Lucia.

Workmen's Compensation Ordinance, No. 2 of 1964.

Workmen's Compensation Regulations (*Statutory Rules and Orders*, 1964, No. 13).

Article 1 of the Convention. Section 24 (b) of the Workmen's Compensation Ordinance states that, if the Commissioner is satisfied that a scheduled disease was due to the nature of the employment in which a workman was employed at any time within the 24 months previous to the date of his being granted a medical certificate or of his death, the workman shall be entitled to compensation under the ordinance as if the disease had been a personal injury as a result of an accident arising out of and in the course of his employment, and the disablement shall be treated as being the result of such an accident. The rates of compensation prescribed under the ordinance shall be calculated with reference to the earnings of the workmen under the employers by whom compensation is payable.

Section 25 of the ordinance states that compensation shall be payable, in the case of a workman who is disabled by or has died as a result of a scheduled disease, by the last employer who employed him during the 24 months immediately preceding his disablement or death, as the case may be. The disabled workman, if so required, shall furnish to the employer from whom compensation is claimed such information as he may possess concerning the names and addresses of all other employers who, during the above-mentioned period, employed him in any occupation to the nature of which the disease was due. If the employer alleges that the disease was in fact contracted while the workman was in the employment of some other employer and not while in his own employment, he may join the other employer as a party to proceedings in such manner as may be provided by the rules of court and, if the allegation is proved, the other employer shall then be the employer from whom compensation is to be recovered.

Article 2. The first schedule to the ordinance contains a list of occupational diseases giving entitlement to compensation under the ordinance. However, the Administrator in Council may, by order, delete from the schedule any disease, occupation or description of work mentioned therein and may, in like manner, insert any disease or description of work not mentioned therein.

Supervision of the application of the workmen's compensation legislation is entrusted to the Labour Department and the Registrar of the Supreme Court of the Windward and Leeward Islands.

Solomon Islands (First Report).

Workmen's Compensation Ordinance.

Workmen's Compensation Declaration of Occupational Diseases (Legal Notice No. 85 of 1964) (*Western Pacific High Commission Gazette*, Supplement, 22 Sep. 1964, No. 9).

Poisons (Agricultural and Silvicultural Use of Arsenical Poisons) Rules of 1 February 1964 (Legal Notice No. 25).

Section 10 of the above-mentioned ordinance makes provision for compensation for occupational diseases. The diseases to which the section applies are anthrax, poisoning by lead, mercury, phosphorous and arsenic, silicosis, and any other diseases which are declared by the High Commissioner to be diseases within the meaning of the ordinance.

The Government has stated that there are no occupations in the protectorate that render workers peculiarly liable to any specific diseases, though some workers in the copra and forest industries might be liable to arsenical poisoning. The Govern-

ment has added that the Poisons (Agricultural and Silvicultural Use of Arsenical Poisons) Rules are designed to protect workers engaged in arsenical spraying.

Supervision of the application of the above-mentioned legislation is entrusted to the Commissioner of Labour, and an inspector has been appointed under the rules by a legal notice of 20 February 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:

France (Comoro Islands, New Caledonia), *United Kingdom* (Isle of Man).

The following reports repeat or refer to the information previously supplied:

Australia (Norfolk Island), *France* (French Polynesia, French Somaliland), *New Zealand* (Tokelau Islands), *United Kingdom* (Aden, Antigua, British Virgin Islands, Dominica, Fiji, Grenada, Jersey, St. Helena, Seychelles, Southern Rhodesia).

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.

Netherlands. Ratification: 17 January 1966.
No declaration.

New Zealand. Ratification: 29 March 1938.
No declaration.

United Kingdom. Ratification: 29 April 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 29 April 1936.
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: British Virgin Islands.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Gibraltar

Employment of Women, Young Persons and Children (Amendment) Ordinance of 15 February 1952
(*Laws of Gibraltar (L.G.)*, Cap. 41).

Employment Injuries Insurance Ordinance of 7 July 1952 (*L.G.*, Cap. 147).

Social Insurance Ordinance of 15 July 1955 (*L.G.*, Cap. 166).

Non-Contributory Social Insurance Benefit Ordinance of 3 October 1955 (*L.G.*, Cap. 165).

Non-Contributory Social Insurance (General and Miscellaneous Provisions) Regulations of 3 October 1955 (*ibid.*).

Non-Contributory Social Insurance (Unemployment Benefit) Regulations of 3 October 1955 (*ibid.*).

Article 1 of the Convention. Sections 8 to 12 of the Non-Contributory Social Insurance Benefit Ordinance and the Non-Contributory Social Insurance (Unemployment Benefit) Regulations provide for the payment of benefit. Persons who do not qualify for allowances under the above-mentioned legislation receive allowances under the public assistance scheme.

Article 2. All British subjects or persons domiciled in Gibraltar are insured under the Social Insurance Ordinance (section 3). Non-manual workers who receive more than £500 per annum are excluded. Persons of 15 years of age and over in insurable employment are insured. Persons of pensionable age are excluded and receive no allowance. Also excluded are members of the armed forces and civil servants who have been engaged outside Gibraltar.

Article 3. If a person earns not more than 3s. 4d. a day in an occupation outside of his usual employment, he still qualifies for benefit.

Articles 4 and 5. Section 8 of the ordinance of 3 October 1955 requires that the claimant must be unemployed, capable and available for work and must register regularly at the central employment service.

Article 6. The claimant must have an employment record of not less than 30 weeks in the last 52 weeks or have a yearly average employment record of not less than 30 weeks.

Articles 7 to 9. No conditions are imposed.

Article 10. Section 10, paragraphs 2 to 5, of the ordinance of 3 October 1955 cite the conditions for disqualification.

Article 11. Section 9 of the ordinance of 3 October 1955 provides that the right to an allowance is exhausted after it has been received during 78 days.

Articles 12 and 13. A cash allowance is payable irrespective of need.

Article 14. Appeals are made to the Director of Labour and Social Security, to the Social Insurance Board and to the Supreme Court.

Article 15. A claimant does not receive an allowance during a period when he is resident abroad. British subjects employed in Gibraltar but who reside in adjacent Spanish territory are eligible for benefit.

Article 16. Aliens, unless domiciled in Gibraltar, are not eligible for benefit or allowances.

The unemployment benefit scheme and the public assistance scheme are administered by the Director of Labour and Social Security.

Guernsey.

During the period to which the Government's report relates (1 July 1963 to 30 June 1965) the previous legislation was replaced by the Social Insurance (Guernsey) Law, 1964, which came into operation on 4 January 1965. This law was registered in the records of the island on 5 October 1964. A large number of subsidiary regulations were made under the law; these were listed in the comparative analysis attached to the Government's report.

Article 1 of the Convention. The new law replaces the Contributory Pensions (Guernsey) Laws. Whereas under the repealed laws the social insurance scheme was of a very restricted nature, the new scheme is much wider in scope both as regards persons who are insurable and as regards benefits. In return for regular and compulsory weekly contributions, cash benefits are provided during unemployment. The principal rates of social insurance contributions and the rates of unemployment benefit were shown in appendices to the Government's report. In pursuance of the law an insurance fund has been set up which is financed by contributions from employers and insured persons and by grants from the states of Guernsey.

Article 2. Insured persons are divided into three different categories—employed persons, self-employed persons and non-employed persons. Each of these categories pay different contributions and receive different benefits. Only persons in the first category qualify for unemployment benefit. Certain employed persons over 65 years of age and certain widows in receipt of widow's benefit who are employed persons are not covered in respect of unemployment.

Article 3. The laws and regulations do not specifically provide for the payment of allowances to persons whose employment has been reduced.

Article 4. The grant of benefit or of an assistance allowance to a person who is regarded as available for work is conditional on his registration for work with the States Insurance Authority or States Labour and Welfare Committee.

Article 5. Receipt of both unemployment and sickness benefit is not permitted. Neither unemployment benefit nor an assistance allowance is payable to persons who are not present in Guernsey.

Article 6. The contribution conditions for receipt of unemployment benefit are to have paid 26 class 1 contributions as an employed person since entry into the scheme and to have a record of 50 class 1 contributions paid or credited in the last contribution year before the benefit year, including the date for which the claim is made. Insured persons who satisfy the second condition only in part receive reduced rates of unemployment benefit.

Article 7. There are three waiting days, but payment of unemployment benefit is made for these days if, within the same period of interruption of employment, a further nine days of unemployment or of incapacity for work occur.

Article 8. Failure without good cause by a claimant to avail himself of a reasonable opportunity of receiving approved training or retraining is a ground for disqualification for a period not exceeding ten weeks.

Article 9. Refusal of employment without good cause is a reason for disqualifying a person for unemployment benefit.

Article 10. The new law is deliberately silent about specifying that employment shall not be deemed to be suitable if it involves the claimant in changing residence or in accepting less wages or less favourable conditions of work. It is considered that in Guernsey the necessity for such a provision does not arise. The regulations provide that a day shall not be treated as a day of unemployment if it is a day in respect of which a person, notwithstanding the fact that his employment has terminated, receives the wages he would have received for that day if the employment had not been terminated. Consideration is being given to the amendment of this paragraph. In the case of a trade dispute, the period of disqualification is for as long as the dispute may last; disqualification in other respects is for such period not exceeding ten weeks as the authorities appointed to decide claims may consider appropriate.

Article 11. Reference is made to the comments under Article 1.

Article 12. Reference is made to the comments under Article 3.

Article 13. Benefit is not payable in kind.

Article 14. Under the law, independent statutory authorities, such as the Administrator to the States Insurance Authority, are appointed to decide claims. An appeals tribunal to hear appeals is appointed by the Royal Court of Guernsey. The appeals tribunal consists of three members drawn from a panel of five appointed by the Royal Court of Guernsey. A further appeal from the appeals tribunal can be made to the Royal Court of Guernsey but such an appeal must be confined to a point of law. Any decision on a claim for benefit can be revised at any time if fresh evidence comes to light.

Article 15. In general a claimant is disqualified from eligibility for the receipt of unemployment benefit for any period during which he is abroad.

Article 16. Foreigners and nationals are treated alike under the law.

The States Insurance Authority is entrusted with general administrative responsibility for the social insurance scheme, and certain functions relating to the finding of work for unemployed persons are undertaken by the States Labour Welfare Committee.

Jersey.

The Government has stated that on 12 November 1963 a Bill to amend the Insular Insurance (Jersey) Law, 1950, was presented to the states of Jersey. The effect of that Bill would have been to provide for the payment of unemployment benefit as a feature of the insular insurance scheme.

However, in view of the many difficulties which would arise if the proposed scheme for unemployment benefit were to become operative, the Bill has been withdrawn without debate and is now the subject of detailed reconsideration by the insular authorities.

* * *

The following report supplies information on the practical effect given to the Convention.

United Kingdom (Isle of Man).

45. Underground Work (Women) Convention, 1935

This Convention came into force on 30 May 1937

Australia. Ratification: 7 October 1953.
Applicable without modification: New Guinea,
Papua: 14 December 1954.
Not applicable: Nauru, Norfolk Island:
14 December 1954.

France. Ratification: 25 January 1938.
No declaration.

Netherlands. Ratification: 20 February 1937.
Applicable without modification: Netherlands
Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

New Zealand. Ratification: 29 March 1938.
No declaration.

Republic of South Africa. Ratification:
25 June 1936.

Applicable without modification: South West
Africa: 15 June 1949.

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification ¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Applicable without modification ²: Bahamas,
Basutoland, Bechuanaland, British Guiana,
Falkland Islands, Fiji, Gibraltar, Hong Kong,
Solomon Islands, Southern Rhodesia, Swaziland:
27 March 1950.

Decision reserved ²: Brunei, Gilbert and Ellice
Islands: 27 March 1950.

Not applicable ²: Aden, Antigua, Barbados,
Bermuda, British Honduras, British Virgin
Islands, Dominica, Grenada, Mauritius, Mont-
serrat, St. Christopher-Nevis-Anguilla, St.
Helena, St. Lucia, St. Vincent, Seychelles:
27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16

UNITED KINGDOM

Bechuanaland.

The Employment Law of 1963 was brought into operation on 22 October 1964.

Fiji.

Employment Ordinance, 1964.

The provisions of the above-mentioned ordinance comply fully with the requirements of the Convention.

Solomon Islands.

Labour (Amendment) Ordinance, No. 20 of 1964.

Section 77 A, paragraph 1, of the above-mentioned ordinance provides that women shall not be employed in underground work in any mine.

Swaziland.

Mines and Quarries Bill, No. 10 of 1965.

Clause 7 provides, in substance, that women may not be employed on such underground work in mines and quarries as is considered dangerous by the inspector.

* * *

The following reports repeat or refer to the information previously supplied:

Australia (New Guinea, Papua), *Netherlands* (Netherlands Antilles), *United Kingdom* (Guernsey, Jersey, Isle of Man).

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Denmark. Ratification: 22 June 1939.
Applicable without modification:
Faroe Islands: 15 June 1961.
Not applicable: Greenland: 31 May 1954.
France. Ratification: 23 August 1939.
No declaration.

New Zealand. Ratification: 10 November 1950.
Decision reserved: Cook Islands and Niue: 10 November 1950.
Not applicable: Tokelau Islands: 10 November 1950.

NEW ZEALAND*Cook Islands and Niue.*

The Industrial and Labour Ordinance, 1964, now provides that every employer shall allow to every worker employed by him certain specified holidays and annual holidays on the basis of two weeks for a complete 12 months' service with proportionate holidays for lesser periods over three months.

The question of extending the application of the Convention to the islands is to be referred to the Cook Islands Government.

53. Officers' Competency Certificates Convention, 1936

This Convention came into force on 29 March 1939

Denmark. Ratification: 13 July 1938.
 Applicable without modification: Faroe Islands: 13 July 1938.
 Not applicable: Greenland: 31 May 1954.

France. Ratification: 19 June 1947.
 Applicable without modification:
 Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

New Zealand. Ratification: 29 March 1938.
 No declaration.

United States. Ratification: 29 October 1938.
 Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands: 29 October 1938.
 Trust Territory of Pacific Islands: 7 June 1961.

UNITED STATES

Trust Territory of Pacific Islands.

In reply to requests made by the Committee of Experts, the Government has stated that a territorial legislature was recently set up with intent to revise the entire code of laws for the trust territory; it is this authority which will deal with the question raised by the experts with regard to the penalties or disciplinary measures mentioned under Article 6, paragraph 2 (*b*), of the Convention.

* * *

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

The following reports repeat or refer to the information previously supplied:

United States (American Samoa, Guam, Puerto Rico, Virgin Islands).

55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

This Convention came into force on 29 October 1939

France. Ratification: 19 June 1947.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

United States. Ratification: 29 October 1938.

Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands: 29 October 1938.

No declaration: Trust Territory of Pacific Islands.

UNITED STATES*American Samoa.*

In reply to requests made by the Committee of Experts, the Government has stated that draft legislation providing for workmen's compensation for employees generally, including seamen, has been furnished to the Governor of American Samoa and will be presented as an administration measure to the next legislative session in 1966.

* * *

The following reports repeat or refer to the information previously supplied:

France (French Guiana, Guadeloupe, Martinique, Réunion), *United States* (Guam, Puerto Rico, Virgin Islands).

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

France. Ratification: 9 December 1948.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

United Kingdom. Ratification: 30 September 1944.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 30 September 1944.

Decision reserved: Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 30 September 1944.

Not applicable: Basutoland, Bechuanaland, St. Helena, Swaziland: 30 September 1944.
Southern Rhodesia: 7 March 1963.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

Social Insurance (Guernsey) Law, 1964 (which repealed and replaced previous legislation).
For subsidiary regulations, etc., see under Convention No. 24.

Article 1 of the Convention. Masters and members of the crew of Guernsey ships are subject to compulsory insurance. Employed persons on non-Guernsey ships are insured if the contract for the work to be performed during a voyage was made in Guernsey and if the owner of the ship has a place of business in Guernsey.

Article 2, paragraphs 1 and 2. Twenty-six qualifying contributions (weekly) give entitlement to 312 days' sickness benefit in any one period of interruption of employment (section 13 of the Social Insurance Law). An insured person who has paid between 26 and 156 weekly contributions and who has exhausted his 312 days' entitlement to sickness benefit can re-qualify for a further 312 days' benefit by working and paying weekly contributions for 13 weeks. For those who have paid more than 156 contributions sickness benefit is paid until the insured person becomes entitled to a retirement pension if the incapacity continues for so long.

Provision is made for a waiting period of three days for sickness benefit. Benefit for these days is paid if a further nine days of incapacity or unemployment occur in the same period of interruption of employment.

Paragraph 3. No separate cash sickness benefit scheme for seamen exists.

Paragraph 4, clause (a). A seaman is not entitled to sickness benefit while he is on board ship "on articles".

Unlike other persons, who are normally disqualified while abroad, a seaman is entitled to sickness benefit if he has been left outside Guernsey because of illness, accident or to prevent infection. A seaman may also be entitled to sickness benefit if left outside Guernsey for other reasons and if he subsequently falls sick and notifies the appropriate authority (Social Insurance (Mariners) (Guernsey) Regulations, 1964).

Under a reciprocal agreement between Guernsey, Great Britain, the Isle of Man and Northern Ireland, a seaman entitled to sickness benefit in one of those countries is enabled to qualify for sickness benefit in any other of those countries in which he becomes a resident.

Clause (b). Benefit is not reduced because the beneficiary is in hospital.

Clause (c). Rules have been made to prevent the duplication of payment of different benefits under the scheme (Social Insurance (Overlapping Benefits) (Guernsey) Regulations, 1964).

Paragraph 5. Disqualification is imposed for misconduct.

Article 3. Full medical care benefit is only provided for insured persons to the extent that it becomes necessary as the result of an accident arising out of and in the course of employment. Limited medical care is available in respect of personal injuries caused by other accidents. Such limited medical care is provided at the discretion of the insurance authority and subject to funds being available in the special account into which medical care weekly contributions are paid (Social Insurance (Guernsey) Law, section 15). Under the Merchant Shipping Acts obligations are imposed on employers to provide medical care for mariners while they are on board ship and to meet the cost of treatment and maintenance of mariners left outside Guernsey on account of sickness.

Article 4. Cash sickness benefit due to a seaman can be paid to his nominee while he is outside Guernsey. The rates of sickness cash benefit are increased for an insured person's dependants. No sickness benefit is provided to members of an insured person's family.

Article 5. The Social Insurance (Guernsey) Law does not provide for maternity benefit.

Article 6, paragraph 1. No provision is made for such benefit.

Paragraph 2. Pensions are payable to the widows of insured persons.

Article 7. Insurance benefits, including sickness cash benefit, are payable for periods between voyages subject to the mariner's fulfilling conditions regarding contributions paid or credited.

Article 8. Employers, employees and the Government contribute to the scheme's finances.

Article 9. The social insurance scheme is administered by the States Insurance Authority. The question of such schemes being administered by self-governing institutions has never been raised.

Article 10. Provision is made for a system of appeals in case of a dispute concerning an insured person's right to benefit. No information was given as to the rapidity or expense of adjudication.

Article 11. No existing custom between shipowners and seamen has been rendered less favourable by the application of the Social Insurance (Guernsey) Law.

Jersey.

In reply to a request made by the Committee of Experts, the Government has communicated a copy of the administrative measure of November 1960 regarding free hospitalisation.

* * *

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* (Isle of Man).

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Australia. Ratification ¹: 5 September 1939.
No declaration.

Denmark. Ratification ²: 22 June 1939.
Not applicable: Greenland: 31 May 1954.
No declaration: Faroe Islands.

France. Ratification: 28 June 1951.
Not applicable:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 9 March 1940.
No declaration.

New Zealand. Ratification ¹: 18 January 1940.
Not applicable: Cook Islands and Niue, Tokelau Islands: 18 January 1940.

Republic of South Africa. Ratification ²: 8 August 1939.

Not applicable: South West Africa: 15 June 1949.

United Kingdom. Ratification: 26 May 1947.
Applicable *ipso jure* without modification ⁴:
Guernsey, Jersey, Isle of Man: 26 May 1947.

Applicable without modification:
Barbados ², Gilbert and Ellice Islands ²:
21 May 1964.

Bechuanaland ⁵, Brunei ²: 26 April 1965.

Applicable with modifications:

Hong Kong ²: 15 October 1963.

Gibraltar ²: 12 June 1964.

British Guiana: 24 November 1964.

St. Lucia ¹: 22 January 1965.

St. Helena ²: 16 June 1965.

Decision reserved:

Bahamas, Solomon Islands: 15 January 1963.

Bermuda, Montserrat: 4 February 1963.

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.

Fiji: 20 July 1965.

No declaration: British Virgin Islands.

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts II and IV.

⁴ See footnote 1 to Convention No. 2.

⁵ Excluding Part IV.

FRANCE

Guadeloupe.

A statistical service has been set up and has been functioning since 1 July 1965.

UNITED KINGDOM

*Bermuda.*PART III. STATISTICS OF TIME RATES OF WAGES AND OF NORMAL HOURS OF WORK
IN MINING AND MANUFACTURING INDUSTRIES

Some statistics of time rates and wages, and of normal hours of work in manufacturing industries, including building and construction, have been supplied to the I.L.O.

British Guiana (First Report).

Statistics Ordinance, No. 14 of 1965.

A Statistics Ordinance, which provides for the taking of censuses and the collection, compilation, analysis and publication of certain statistical information, was enacted in 1965.

Gibraltar (First Report).

Regulation of Wages and Conditions of Employment Ordinance (*Laws of Gibraltar (L.G.)*, Cap. 159) (section 14).

Control of Employment Ordinance (*L.G.*, Cap. 163) (section 12).

Article 1 of the Convention. Statistics of average time rates of wages and normal hours of work relating to all the principal industrial groups are compiled annually and published in the report of the Department of Labour and Social Security.

Article 2. Parts II and IV, as well as Article 21, are excluded from acceptance.

Articles 3 and 4. The statistical information is obtained mainly from employers' records but also through direct inquiries made to the principal employers, or from agreements, arbitration awards or conciliation proceedings.

Article 13. Statistics of time rates of wages and of normal hours of work of wage earners are compiled for a representative selection of the principal manufacturing industries, including building and construction.

Solomon Islands.

Labour Ordinance.

Labour Amendment Ordinance, No. 20 of 1964.

Section 6, paragraph 1, of the Labour Ordinance enables the Commissioner of Labour to call for returns. Under section 12, as amended, employers of five or more workers are required to keep records. Simple statistics are maintained at a level commensurate with the stage of development of the territory.

Swaziland.

Employment Proclamation, No. 59 of 1962.

Employment (Care and Welfare) Regulations, 1964 (Government Notice No. 93).

Article 1 of the Convention. The only statistics relating to wages and hours of work are those published in the annual labour report (appendices V and VI). The statistics in appendix V are based on the labour inspectors' reports and those in appendix VI on the returns rendered by employers.

Article 2. Section 6 of the Employment Proclamation provides for the collection of statistics on a regular basis as soon as the necessary detailed regulations have been published. Progress in collecting statistics will, however, be limited by the extent of increases in staff. The first aim will be to set up a manpower information unit, which will be responsible for all labour statistics.

Article 5. The statistics are published not in averages but for the highest and lowest figures in each of the principal mining and manufacturing industries, including building and construction as well as agriculture.

Article 6. Statistics of wages relate to cash earnings only, but in appendix V of the annual labour report indications are given in respect of free rations and/or quarters provided by the employer. Non-cash earnings will soon be included.

Article 7. Some employers also provide a free pension and/or gratuity schemes and other welfare benefits.

Article 10. Statistics are compiled once every year.

Article 12. No indices of earnings are maintained at present.

Article 14. No statistics of normal hours of work are as yet compiled owing to shortage of staff. Minima and maxima found by labour inspectors in each industry are given.

Article 16. Weekly hours of work are always shown, as well as wage rates.

Article 17. It is not possible at this stage to give figures for male adult workers except in occupations usually filled by females and juveniles.

Article 19. These statistics have not been published in the past but are available in the labour inspectors' reports.

Article 22. Statistics for agriculture are of the same type as those collected for mining and manufacture.

Compilation of all statistics is, and will remain, the responsibility of the Labour Commissioner.

Swaziland has now made a start towards maintaining the statistics required by the Convention.

* * *

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

United Kingdom (British Guiana, Gibraltar).

The following reports repeat or refer to the information previously supplied:

United Kingdom (Guernsey, Hong Kong, Jersey, Isle of Man).

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

New Zealand. Ratification: 8 July 1947.

Applicable without modification:

Cook Islands and Niue: 8 July 1947.

Tokelau Islands: 13 June 1956.

United Kingdom. Ratification: 24 August 1943.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 24 August 1943.

Applicable without modification:

Aden, Antigua, Barbados, Basutoland,
Bechuanaland, British Guiana, British Hon-
duras, British Virgin Islands, Brunei, Dominica,

Fiji, Gilbert and Ellice Islands, Grenada, Hong
Kong, Mauritius, Montserrat, St. Christopher-
Nevis-Anguilla, St. Helena, St. Lucia, St. Vin-
cent, Seychelles, Solomon Islands, Swaziland:
24 August 1943.

Bahamas, Bermuda: 30 September 1944.

Not applicable: Falkland Islands, Gibraltar:
24 August 1943.

No declaration: Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Basutoland.

Although the Employment Bill was promulgated in March 1965, it has not yet been given an operative date and therefore does not have the force of law.

Bechuanaland.

In reply to a request made by the Committee of Experts in 1964, the Government has stated that the purpose of section 125 (*b*) of the Employment Law, 1963, is to ensure proper fulfilment of contracts and to protect workers from breaches of contract by employers, or vice-versa. When conflicting parties refuse to fulfil court orders regarding damages or compensation, the court can act in a manner comparable to that in cases of civil debt, when parties in breach of contract can be imprisoned.

The Employment Law entered into force on 22 October 1964.

Fiji.

Employment Ordinance, 1964.

Gilbert and Ellice Islands.

Employment Ordinance, No. 6 of 1965.

Mauritius.

Trade Disputes Ordinance, 1965.

In reply to a request made by the Committee of Experts, the Government has stated that the penal sanctions for breaches of contracts of employment prescribed under section 7, paragraph 1, of the Contracts of Service (Rodrigues) Ordinance, 1920, and sections 7 and 15 of the Rodrigues Labour Regulations, 1882, were repealed in 1945 and 1957 respectively.

Swaziland.

Employment Proclamation, No. 51 of 1962.

* * *

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

New Zealand (Cook Islands and Niue, Tokelau Islands).

The following reports repeat or refer to the information previously supplied:

United Kingdom (Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Grenada, Guernsey, Hong Kong, Jersey, Isle of Man, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon Islands).

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.

FRANCE

Guadeloupe, French Guiana, Martinique, Réunion.

See under Convention No. 69, concerning *France*.

NETHERLANDS

Netherlands Antilles.

In reply to observations made by the Committee of Experts in 1964, the Government has indicated that, because of the reduction of crews of vessels of the merchant navy, no application has been filed since 1954 for the examination for ships' cooks. In the training programmes of the school of navigation (in preparation), provision will be made for the training of ships' cooks.

* * *

The following reports repeat or refer to the information previously supplied:

United Kingdom (Guernsey, Jersey, Isle of Man).

71. Seafarers' Pensions Convention, 1946

This Convention came into force on 10 October 1962

France. Ratification: 9 December 1948.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 27 August 1957.
Decision reserved: Netherlands Antilles, Surinam: 14 January 1958.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 71, concerning *France*.

73. Medical Examination (Seafarers) Convention, 1946

This Convention came into force on 17 August 1955

France. Ratification: 9 December 1948.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 17 June 1958.
Not applicable: Surinam: 11 November 1958.
Netherlands Antilles: 15 May 1959.

* * *

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

74. Certification of Able Seamen Convention, 1946

This Convention came into force on 14 July 1951

France. Ratification: 9 December 1948.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 14 July 1950.
Applicable without modification: Netherlands Antilles: 7 September 1951.
Not applicable: Surinam: 7 September 1951.

New Zealand. Ratification: 5 December 1961.
Not applicable: Cook Islands and Niue, Tokelau Islands: 5 December 1961.

United Kingdom. Ratification: 13 May 1952.
Applicable without modification: Guernsey, Jersey, Isle of Man: 3 December 1956.
Mauritius: 20 August 1963.
Barbados: 13 April 1964.

Not applicable: Basutoland, Bechuanaland, Swaziland: 3 November 1958.

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.

UNITED KINGDOM

Solomon Islands.

Shipping Ordinance.

The Government has stated that the term "able seaman" is not used in the territory. However, courses are given for seamen employed on board local small ships, and, for some of them, a certificate of competence is required by law.

* * *

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

Netherlands (Netherlands Antilles), *United Kingdom* (Mauritius).

The following reports repeat or refer to the information previously supplied:

France (French Guiana, Guadeloupe, Martinique, Réunion), *United Kingdom* (Guernsey, Jersey, Isle of Man), *United States* (Guam, Puerto Rico, Virgin Islands).

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Denmark. Ratification: 6 August 1958.

Not applicable:

Greenland: 6 August 1958.

Faroe Islands: 16 September 1958.

France. Ratification: 16 December 1950.

Applicable without modification:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 15 September 1951.

Applicable without modification: Netherlands Antilles, Surinam: 26 September 1951.

New Zealand. Ratification: 30 November 1959.¹

Not applicable: Tokelau Islands: 30 November 1959.

Decision reserved: Cook Islands and Niue: 30 November 1959.

United Kingdom. Ratification: 28 June 1949.¹

Applicable *ipso jure* without modification²:

Guernsey¹, Jersey¹, Isle of Man¹: 28 June 1949.

Applicable without modification: Antigua¹, Barbados¹, Brunei¹, Gibraltar³, Grenada¹, Mauritius³, St. Vincent¹: 22 March 1958.

British Guiana¹: 15 April 1958.

British Honduras¹: 20 November 1963.

Solomon Islands¹: 24 September 1965.

Applicable with modifications:

Hong Kong¹: 22 March 1958.

Southern Rhodesia¹: 11 April 1960.

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.

In reply to a direct request and an observation made by the Committee of Experts, the Government has stated that every labour inspection official is empowered with the authority to conduct investigations as far as all labour ordinances are concerned.

Registration of the labour force is now taking place with a view to the provision of the details required by Article 21, clause (c), of the Convention.

The Government's report contains information in respect of labour inspection activities in 1964.

NEW ZEALAND

Cook Islands and Niue.

Industrial and Labour Ordinance, 1964.

The above-mentioned ordinance provides for the setting-up of a labour inspection service. The question of applying the Convention to the territory will be looked into in consultation with the Cook Islands Government.

UNITED KINGDOM

Basutoland.

See under Convention No. 29.

British Guiana.

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

Article 15, clause (c), of the Convention. The verbal instructions given previously by the Chief Labour Officer have since been confirmed in writing (a copy of these instructions was attached to the report).

Article 16. Although three additional officers have been appointed, it has not been possible to increase the frequency of inspection visits, since there has been a marked increase in the volume of work, particularly in relation to industrial complaints.

Articles 20 and 21. It has not yet been possible to include in the annual general reports of the Labour Division the statistics called for in clauses (c), (d) and (g) of Article 21. Consideration will be given to including the necessary information in the annual general report for 1967.

Articles 22 and 24. In respect of commerce, social legislation exists and is enforceable in the same way as that for industrial workplaces, but the statistical information required is also unavailable. There is no other objection to ratification of Part II of the Convention.

British Honduras.

Labour (Amendment) Ordinance, No. 20 of 1964.

In reply to a direct request made by the Committee of Experts, the Government has stated that it is considering the possibility of extending its declaration of application, without modifications, to Part II of the Convention.

Moreover, the annual reports of the Department of Labour for 1963 and 1964 contain more detailed information in order to comply with a direct request made by the Committee of Experts on this point.

Fiji.

Employment Ordinance, No. 15 of 1964.

Workmen's Compensation Ordinance, No. 17 of 1964.

Workmen's Compensation Regulations, 1964 (Legal Notice No. 75).

Workmen's Compensation (Occupational Diseases) Regulations, 1964 (Legal Notice No. 124).

Employment (Application) Order, 1965 (Legal Notice No. 57).

Employment Regulations, 1965 (Legal Notice No. 59).

Articles 1 and 2 of the Convention. The Employment (Application) Order, 1965, applies the Employment Ordinance, 1964, to all persons employed in manual work or in domestic service, irrespective of their wages. Persons employed otherwise than in manual work or in domestic service whose wages are in excess of £52 per month or £12 per week or £2 per day, or who are members of the established service of the Fiji Government, or whose terms and conditions of service are prescribed by law, are excluded from the provisions of the ordinance.

Article 3. In addition to the duties provided for in paragraph 1 of the Article, labour inspectors are competent as regards conciliation in industrial disputes, assessment and settlement of workmen's compensation claims, the collection and analysis of statistical data relating to employment, and the handling of applications for United Kingdom employment vouchers under the provisions of the Commonwealth Immigrants Act (in the case of one inspector).

Article 4. The Commissioner of Labour is the authority responsible for supervising and controlling the system of labour inspection.

Article 5. Under the Employment Ordinance, 1964, medical officers and health inspectors have powers to carry out inspections for the application of the ordinance.

Article 6. The conditions of service of the inspection staff, who are established members of the Fiji Government Service, are set out in the general orders covering that service. These orders ensure stability of employment and immunity from improper external influences.

Article 7. The sole criteria which are applied in the recruitment of labour inspectors are their qualifications and ability to perform their duties adequately. Labour inspectors undergo initial training under the direct supervision of experienced officers. Following initial training in Fiji, selected officers are sent to the United Kingdom for further training. Five members of the Labour Department have already received training in the United Kingdom and two inspectors are expected to receive such training in 1966.

Article 8. There is no restriction on the employment of women inspectors, although, as yet, no woman has been appointed.

Article 9. Medical officers and health inspectors are associated in the work of inspection. The legislation contains no special provision for the association in inspection work of specialists in engineering, electricity and chemistry. However, the officer who is responsible for factories inspection can call upon such specialists for advice as and when necessary. Moreover, it is planned that the factories' inspector will be given additional specialist training in the United Kingdom as soon as practicable.

Article 10. Details of the inspection staff, together with their geographical distribution, are contained in annual reports of the Labour Department.

Article 11. Offices for the labour inspectorate are provided by the Government at Suva, Labasa and Lautoka; these offices are situated close to the main centres of employment.

Inspectors who do not own vehicles or other transport suitable for the performance of their duties may hire suitable transport at government expense. In cases where labour inspections necessitate the use of sea transport, suitable craft are made available by the Public Works Department.

Labour inspectors incurring travelling or incidental expenses in the course of their duties are reimbursed by the Government.

Article 12. The requirements of this Article are now met by Part III of the Employment Ordinance, 1964, sections 20 and 21 of the Factories Ordinance, 1957, and sections 12 and 14 of the Wages Council Ordinance, 1957.

Article 13. Section 9, paragraph 3, and section 10 of the Employment Ordinance, 1964, reflect the requirements of this Article in regard to health. With regard to safety, sections 11 and 26 of the Factories Ordinance set out the procedure to be followed in cases of safety hazards in factories.

Article 14. Section 14 of the Workmen's Compensation Ordinance, 1964, provides that the Commissioner of Labour shall be notified in case of an accident to an employee. Section 35 of that ordinance requires that the provisions of the ordinance (which includes notices under section 14) shall apply in cases where a workman is suffering or has died from a prescribed disease.

Article 15. The requirements of clauses (a) and (b) of this Article are met by section 11 of the Employment Ordinance, 1964. The provisions of clause (c) are applied administratively to all members of the labour inspectorate.

Article 16. It is the policy of the labour inspection service to ensure that all places of employment are inspected twice annually. However, where it is considered necessary, workplaces are inspected more frequently. In 1963 and 1964 the total

number of labour inspections carried out was 2,033 and 2,088 respectively. In addition the number of factory inspections (safety, health and welfare) carried out was 451 in 1963 and 489 in 1964.

Article 17. Part III of the Employment Ordinance, 1964, sets out in section 8 the procedure for the institution of legal proceedings, and in section 9 the powers extended to inspecting officers.

Article 18. Section 12 of the Employment Ordinance, 1964, and section 34 of the Factories Ordinance, 1957, make it an offence to obstruct an inspecting officer in the performance of his duties. Penalties for violations of the legal provisions enforceable by inspectors are contained in the ordinance under which they act.

Article 19. Officers who are responsible for labour inspection submit a monthly report to the Commissioner of Labour. In addition they submit to the Commissioner of Labour a written quarterly report on the activities in their stations.

Article 20. An annual report, prepared by the Commissioner of Labour, covers, *inter alia*, the work of the inspection services. This report is published within 12 months after the end of the year to which it relates and copies are submitted to the International Labour Office immediately after publication.

Article 21. The annual report prepared by the Commissioner of Labour contains particulars of all the items listed in this Article, with the exception of statistics of workplaces liable to inspection.

Articles 22 and 23. The functions of the labour inspectorate cover both commercial and industrial workplaces.

Article 24. The system of labour inspection in commercial workplaces complies with the requirements of Articles 3 to 21 of the Convention.

Hong Kong.

Radiation Ordinance, No. 35 of 1957, as amended by Ordinances Nos. 6 of 1961 and 26 of 1965, and regulations made thereunder.

Industrial Employment Ordinance (Holidays with Pay and Sickness Allowance), No. 53 of 1961.

Boiler and Pressure Receivers Ordinance, No. 38 of 1962, as amended by Ordinance No. 11 of 1965, and regulations made thereunder.

Mining Ordinance No. 33 of 1954, as amended in 1955 and 1960, and regulations made thereunder.

Article 1 of the Convention. Each of the ordinances listed above contains provisions enabling the Governor to appoint officers to carry out inspections for the purposes of the ordinance concerned.

Article 5. Officers of the inspectorate attend regular and also ad hoc meetings with representatives of other government departments on matters of mutual interest.

Article 10. The staff of the Labour and Mines Department now consists of one labour officer, 47 factory inspectors, 23 labour inspectors, and nine officers or inspectors responsible for mines inspection.

Article 14. In reply to a direct request made by the Committee of Experts, the Workmen's Compensation (Amendment) Ordinance was enacted on 4 June 1964 and provides for notification of incapacity or death of a worker due to a scheduled occupational disease. This should make it possible to eliminate the modification with which the Convention was declared applicable to the territory.

Jersey.

In reply to a direct request made by the Committee of Experts, the Government has stated that the Social Security Committee is the authority under the supervision and control of which the system of labour inspection is placed, in accordance with Article 4 of the Convention. An extract from the latest report of this Committee (the only published report on labour inspection services in the island) was appended to the Government's report.

Isle of Man.

In reply to a direct request made by the Committee of Experts, the Government communicated with its report a copy of the report of the chief inspector for the year ended 31 March 1964.

Mauritius.

Employment and Labour (Amendment) Ordinance, No. 25 of 1965.

In reply to a direct request made by the Committee of Experts, the Government has drawn attention to the adoption of the above-mentioned ordinance and has supplied the following information.

Article 12, paragraph 1 (c) (iv), of the Convention. Section 21, paragraph 2, of the Employment and Labour Ordinance, as modified by Ordinance No. 25 of 1965, empowers inspectors to take samples of materials and substances, in accordance with the requirements of this Article.

St. Lucia.

Wages Councils Ordinance, No. 1 of 6 February 1952.

Labour Ordinance, No. 34 of 1 December 1959.

Labour Regulations, No. 15 of 1960.

Factories Ordinance (*Laws of St. Lucia*, Cap. 106).

Article 2 of the Convention. A survey is to be undertaken to determine the number of workplaces liable to inspection and the number of workers employed therein.

Article 3. Labour inspectors ensure enforcement of the relevant legislation in commercial and industrial establishments. In addition they may deal with the settlement of minor disputes and the recruitment of workers under migration schemes.

Article 4. The Labour Commissioner supervises labour inspection, under the authority of the Minister for Communications, Works and Labour.

Article 5. Labour inspectors collaborate with the departments concerned with the welfare of workers and also with workers' and employers' organisations.

Article 10. There are two male inspectors in the territory.

Article 11. Inspectors receive fixed rate allowances for expenses incurred during tours of inspection.

Article 12. The inspectors are empowered to enter and inspect places where they have reasonable cause to believe that workers are employed, and to examine records of wages.

Article 14. Industrial injuries and occupational diseases are regularly reported to the labour inspection service.

The Government's report contains statistics of industrial accidents, inspection visits and violations.

Solomon Islands.

Labour (Amendment) Ordinance, No. 20 of 30 December 1964.

Workmen's Compensation (Accident Return) (Amendment) Rules, 1965.

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

Articles 1 and 2 of the Convention. Section 2, paragraph 4, of the above-mentioned ordinance, excludes "transport by hand unless such undertakings are regarded as part of the operation of an agricultural or commercial undertaking".

Article 3. The function of labour inspectors is deemed to include that of acting as conciliator in proceedings concerning labour disputes. They are the best qualified and the most readily available and it may be both necessary and useful to employ them in this capacity.

Article 5. There is liaison with the Medical Department and copies of letters notifying penalties arising from inspection reports are sent to the health inspector. The services of engineering officers in the government service are available should they be required for any special purpose. The health officer exercises certain powers under the ordinance. Moreover, there is regular contact with trade union officials.

Article 6. Officers concerned with the enforcement of the Labour Ordinance and related legislation are established members of the civil service or have been engaged on contract in view of their experience in labour administration. Improper external influence would be punishable under section 85 (b) of the Penal Code.

Article 7. No special conditions have yet been applied with regard to the selection of labour inspectors. The labour inspector appointed in March 1965 is a long-service clerical officer with knowledge of labour department duties and practical experience in conciliation.

A programme of training has been started and will be developed to keep pace with the needs of the changing situation.

Article 10. The inspection staff is composed of the Commissioner of Labour, four deputy commissioners of labour, five assistant commissioners of labour, one labour inspector, one health officer and one health inspector.

Article 11. Adequate funds are available for travelling on duty, so that officers can be reimbursed for expenses incurred in travelling by air, ship, motor car and motor cycle.

Article 12. Section 5, paragraph 1, of Ordinance No. 20 of 1964 entitles the inspecting officer to enter workplaces at all times. Furthermore he may now put questions either alone or in the presence of witnesses.

Article 13. There are no measures with immediate executory force, but there is an enabling paragraph under section 117 (w) of Ordinance No. 20 of 1964, should the necessity arise.

Article 14. Provision will be made for the notification of occupational diseases at the earliest opportunity.

Article 15. Effect has been given to this Article by section 4, paragraph 4 (a), (b) and (c), of Ordinance No. 20 of 1964.

Article 16. Extra provision is being made in the Labour Department establishment with a view to making it possible to carry out at least one annual inspection of all places of employment.

Article 19. Regular general reports are not yet required but the labour inspector sends approximately one per month and all inspection reports are submitted to the central office, which issues all letters imposing penalties and collates statistics.

Articles 20 and 21. The annual report for 1964 will contain all the information enumerated in Article 21.

Articles 22 to 24. Articles 3 to 21 are applied to commercial workplaces, under section 2 (d) of the Labour Ordinance, as amended.

Southern Rhodesia.

In reply to an observation made by the Committee of Experts, the following information has been supplied.

Article 3 of the Convention. When the African Labour Regulations Act is next amended the provisions of section 27 (b) and (d) will be reviewed.

Article 12, paragraph 1, (c) (iv). Legislation has been passed by Parliament giving effect to this provision of the Convention.

Article 21. Information relating to the staff of the labour inspection service was published in the 1964 report of the Secretary for Labour and Social Welfare.

Swaziland.

Employment Proclamation, No. 51 of 1962.

Workmen's Compensation Proclamation, No. 3 of 1963.

Wages Proclamation, 1964, and Wages Regulation Orders made thereunder.

Employment (Amendment) Bill, 1965.

Factories Bill, 1965.

Article 2 of the Convention. No undertakings or parts of undertakings are exempted from labour inspection, except for government undertakings covered by section 3 of the Employment Proclamation. This exemption will, however, be removed following the passing of the Employment Bill referred to above.

Article 3. Labour inspectors exercise the functions described in this Article in relation to the above-mentioned legislation. The labour inspectors are also responsible for the general supervision of the employment exchange clerks in their respective offices and assist once a month in supervising clerical staff in their duties in connection with purchases for the retail price index.

Article 4. Labour inspection comes under the control of the Labour Commissioner.

Article 5, clause (a). There is effective co-operation between the labour inspection services and the health inspection services of the Medical Department, and between the labour inspection services and the district administration services, which take a practical interest in labour matters.

Clause (b). Collaboration between the Labour Department and employers' and workers' organisations is maintained centrally through the National Joint Consultative Council, and at field level by personal contact between officers of those organisations and of the Department.

Article 6. Inspection staff are established civil servants.

Article 7. Labour inspectors, like all other established civil servants, are appointed by an independent Public Service Commission on the basis only of their qualifications. The labour inspectors have followed two labour inspection courses and special courses in factory inspection and employment service operation respectively.

Article 8. The conditions of work, including extensive travelling over bad roads and the fact that the vast majority of the employed population is male, made the first posts more suitable for male officers. No stipulations to this effect were, however, made when the posts were advertised.

Article 9. The Medical Department co-operates in the application of the health provisions of the legislation, while the inspector of machinery assists in the application of the safety provisions of all labour legislation. The staff of these departments carry out regular field inspections of their own as well as special inspections at the request of the Labour Department.

Article 10. The inspection staff consists of two labour officers and two labour inspectors. This is sufficient to ensure one full inspection visit to every employer (other than private households) about once every two years. However, it is hoped, subject to the availability of funds, to increase the number of labour inspectors to three in the next financial year by the addition of a special post of factory inspector, and to relieve the present labour inspectors of their duties in connection with the employment service and the retail price index by setting up a manpower unit which would take over these functions.

Article 11. Labour inspectors have furnished offices and assisted transport in the form of advances for the purchase of motor vehicles and economic mileage allowances to cover running costs and repayment of capital.

Article 12. These powers are conferred by sections 8, 9 and 49 of the Employment Proclamation. The amending Bill will incorporate the powers in section 49 into Part I of the proclamation.

Article 13. A labour inspector can order an employer immediately to remedy any instance of non-compliance with the law, on pain of prosecution. The law respecting factories, when published, will confer the powers required under paragraph 2 (a) and (b) of this Article by virtue of its sections 26 and 20, paragraph 3.

Article 14. Employers are compelled, under the Workmen's Compensation Proclamation and the mines and factories legislation, to report on the prescribed forms all accidents involving more than three days' absence from work to the Labour Commissioner, the District Commissioner, the Director of Geological Surveys and Mines, and the workmen's compensation insurance company concerned.

Article 15. Civil servants are prohibited under Colonial Regulations 44 and 45 from indulging in trade or from possessing investments without specific permission. The new section 9 A of the Employment Proclamation to be introduced by the Employment (Amendment) Bill, 1965, will, furthermore, apply this Article in full, and clause 22 of the Factories Bill subjects officers to a penalty for disclosure of trade secrets.

Article 17. The Employment Proclamation, 1962, and the administrative arrangements for its enforcement, apply this Article.

Article 18. This Article is fully applied by the Employment Proclamation, and a new, more comprehensive, section 9 will be inserted by the amending legislation, preventing the obstruction of officers in the performance of their duties.

Articles 20 and 21. The annual labour report for 1964 meets the requirements of these Articles. Copies have been sent to the I.L.O.

Articles 22 to 24. The system of labour inspection described above applies equally to commercial workplaces.

Article 27. Under section 13 of the Wages Proclamation, No. 16 of 1964, collective agreements and arbitration awards may acquire legal force by means of the adoption of wages regulation orders ; the application of such orders is subject to the system of inspection described in the proclamation concerned.

* * *

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

Netherlands (Netherlands Antilles), *United Kingdom* (British Guiana, British Honduras, Guernsey, Jersey, Mauritius, Solomon Islands).

The following reports repeat or refer to the information previously supplied:

New Zealand (Tokelau Islands), *United Kingdom* (Aden, Bahamas, Barbados, Bechuanaland, Bermuda, British Virgin Islands, Dominica, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles).

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.

FRANCE

Comoro Islands.

Bearing in mind the essentially agricultural nature of the territory, financial and technical efforts are focused on increasing the area of crop-land devoted to such export products as perfume essences, vanilla, pepper, coffee, cocoa, and copra. However, the food requirements of the large population call for the improvement of food crops. This is the aim of the project "Operation Nioumakélé", which was started many years ago in the island of Anjouan and which is intended to achieve better yields from land newly brought under cultivation. Spreading over very many thousands of acres, the project involves topographical surveys, anti-erosion ditches, land regroupment, seed distribution, breeding livestock suited to the country and the education of farmers with particular emphasis on the co-operative spirit.

Improvement of the standard of living is the principal objective of all economic development plans. Everything possible is done to harmonise such plans with proper all round development in the communities concerned. This is why new crop-land is allocated only to farmers and the creation of production co-operatives is encouraged.

A vocational training centre began to operate in 1965 (an electricity section and an auto mechanics section are to open in 1966). This centre comes under the authority of the Ministry of Labour and will be directly supervised by the labour and social legislation inspection services.

French Guiana, Guadeloupe, Martinique, Réunion.

Act No. 63-1236 of 17 December 1963 respecting farm leases in the departments of Guadeloupe, Guiana, Martinique and Réunion.

Act No. 63-1328 of 30 December 1963 respecting the maintenance of certain forms of social security benefit in respect of persons affected by land reform in the departments of Guadeloupe, Guiana, Martinique and Réunion (*Journal officiel de la République française*, 31 Dec. 1963).

Act No. 63-1331 of 30 December 1963 respecting the extension of the agricultural old-age insurance scheme to the Overseas Departments (*ibid.*).

Decree No. 64-44 of 17 January 1964 to amend and supplement Decree No. 58-1113 of 7 February 1958 for the improvement of the family allowances scheme in the departments of Guadeloupe, Guiana, Martinique and Réunion.

Decrees Nos. 208, 209 and 210 of 7 March 1964 to extend to the Overseas Departments a number of provisions concerning guidance, co-operation and agricultural associations of interest to the community.

Decree No. 64-750 of 23 July 1964 to extend to the Overseas Departments the provisions of Act No. 60-791 of 2 August 1960 respecting teaching and vocational training in agriculture.

Decree No. 64-1332 of 22 December 1964 to extend to the departments of Guadeloupe, Guiana, Martinique and Réunion the scope of the Agricultural Market Guidance and Regularisation Fund.

Orders of 14 August 1963, 20 April 1964 and 27 October 1964 respecting the compulsory financing of certain social projects in the Overseas Departments.

Order of 17 January 1964 respecting family allowances in the Overseas Departments.

Article 8 of the Convention. The provisions of Act No. 61-843 of 2 August 1961, aimed at improving the circumstances of the agricultural population in the Overseas Departments, have been supplemented by the above-mentioned laws and regulations which introduced land reform based on the following principles: (a) those who cultivate the land under any system oftenancy or yield-sharing have the first option on the sale of the land which they work; (b) owners of large areas may cultivate directly only a part of their estate, the remainder being leased out; (c) the grouping of agricultural undertakings for exploitation by a single person is subjected to prior authorisation.

Article 9. The standard of living of independent producers may be improved and kept at a minimum level principally by the action of the Agricultural Market Guidance and Regularisation Fund, the scope of which was extended to the Overseas Departments by the decree of 22 December 1964.

Article 10. A state organisation (BUMIDOM) was set up in 1964 to promote the migration of surplus manpower to France. This body selects migrants, provides them with employment—the employment contract being signed before their departure—pays the cost of the voyage for the workers and their families and receives them on their arrival in Metropolitan France.

Article 14. French legislation respecting collective agreements and conciliation and arbitration is applied in the Overseas Departments in the same way as in Metropolitan France. Many collective agreements have already been signed in various branches of activity.

Articles 19 and 20. A considerable effort has been made, during the period under consideration, to promote education and vocational training. Thus, in Guadeloupe two centres, one for young men and the other for young women, are being organised for the promotion of vocational training independently of the development of technical education. In Martinique three accelerated vocational training centres are now being built—a centre for young women, a centre for young men and a hotel school. In Réunion measures are being taken for the construction and enlargement of primary schools, the construction of a new secondary school, the opening of vocational training centres for adults, and the organisation of an advanced studies centre.

The number of places reserved for persons from the Overseas Departments in vocational training centres in Metropolitan France has been increased.

The provisions of the legislation concerning compulsory attendance at school and the school-leaving age are the same as for the metropolitan territory. Supervision of the vocational training centres is ensured by a governing body, which, as in France, groups representatives of employers and workers in the occupations concerned under the authority of the Prefect.

French Polynesia.

The fifth economic and social development plan is being worked out with the effective participation of local representatives.

In 1964 the gross national product per head was 95,000 CFP francs.

The main areas of endeavour were public health (new infirmaries, the enlargement of the Papeete Hospital, etc.), accommodation (increased loans, construction of low-rent dwellings, etc.) and public education (creation of 50 new classes every year and a secondary school, etc.).

Many young workers received accelerated vocational training either in France or in New Caledonia. About 20 received the diploma of the apprenticeship centre.

UNITED KINGDOM

Bechuanaland.

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

Article 15 of the Convention. As regards the payment of wages to migrant workers employed on farms in the Republic of South Africa, some farmers pay in cash as well as in kind but the majority pay in kind. No agreement has been concluded with the Government of the Republic of South Africa in order to regulate the matter. However, any dispute as to conditions of work or remuneration are dealt with by the British Consul's office in consultation with the appropriate authorities in the Republic of South Africa.

Article 19. Progress in the development of educational facilities has not reached a stage where a compulsory school-leaving age can be considered.

Bermuda.

Employment of Children and Young Persons Act, No. 213 of 28 December 1963.

Labour Disputes Arbitration and Enquiry Act, 1964.

Workmen's Compensation Act, No. 25 of 1 May 1965.

Education (Amendment) Act, No. 181 of 14 August 1965.

Government Employees (Health Insurance) Act, 1965.

Trade Unions Act, 1965.

Under the Education (Amendment) Act the compulsory school attendance age is from 5 to 14 years, and free education is provided during the period of compulsory school attendance. Secondary education is available to all young persons between the ages of 12 and 18

In addition the Employment of Children and Young Persons Act fixes the minimum age of employment at 13 years and section 5 of this Act prohibits employment during school hours for children aged between 5 and 12 years.

British Guiana.

In reply to a direct request made by the Committee of Experts, the Government has indicated that all labour legislation is under consideration by a tripartite committee with a view to possible amendment. The opportunity will be taken to give effect to the specific provision of Article 15, paragraph 1, relating to the issuing to workers by employers of statements of wage payments.

British Honduras.

A vocational training centre is being set up by the Government to provide accelerated training, and a private secondary school has established an industrial arts branch.

Further training has been provided through a series of seminars for trade union officers and through training-within-industry (T.W.I.) courses. A T.W.I. instructor

of the Labour Department gave a course to 14 supervisors of the Public Works Department on job relations, job methods and job instructions.

The Labour Department hopes to arrange for three T.W.I. courses in 1965.

Dominica.

In reply to a direct request made by the Committee of Experts, the Government has stated that it was proposed, before 31 December 1965, to declare Roseau, Wotten Waven and Bense to be school attendance areas.

Fiji.

Employment Ordinance, 1964, and Employment Order, 1965, and regulations, 1964, made thereunder. Shop (Regulation of Hours of Employment) Regulations, 1965.

Various orders and regulations concerning wages councils, trade unions and workmen's compensation mentioned under the relevant Conventions.

Article 8 of the Convention. Progress has been made towards securing general acceptance of proposals for reform of the law relating to land tenure. These proposals were to be considered by the provincial councils at the end of 1965.

Moreover, the Department of Co-operatives has made steady progress and has recorded an encouraging expansion in the number of societies; with the aid of a grant from the Colonial Development and Welfare Fund, a special five-year scheme was launched in May 1964 to accelerate the development of marketing societies.

Another important activity of the Department of Co-operatives has been the acceleration of the training of co-operative office-bearers.

Article 15. Under the new legislation mentioned above employers are required to keep records of wage payments (Part III of the Employment Regulations, 1965) and to issue employees with a statement of wage payments (section 50, paragraph 2, of the Employment Ordinance, 1964). The payment of wages in legal tender is compulsory (section 50, paragraph 1.) Wages are required to be paid to the individual worker (section 50, paragraph 3). Moreover, it is illegal to pay wages to any employee on any premises licensed for the sale of liquor (section 50, paragraph 1 (b)) and to substitute alcohol or other intoxicating beverages for all or any part of the wages (section 52).

The only deductions which may be made from wages in respect of food, housing, etc., are those authorised by section 51, paragraphs 1 (c) and 2, of the Employment Ordinance. Section 51, paragraph 2, requires that the total deductions shall not exceed 50 per cent. of wages.

Article 16. Section 53 of the ordinance makes it illegal for an employer to make any deductions from the earnings of an employee by way of discount or interest on account of any advances of wages made to the employee. It is not the custom for employers to make advances to an employee in anticipation of his taking up employment.

Article 19. A minimum school-leaving age has not yet been prescribed, but the Employment Ordinance (sections 59 to 71) contains provisions designed to ensure, *inter alia*, that no child under 12 years of age shall be employed in any capacity whatsoever; that a child between 12 and 15 years of age shall be employed only on a day-to-day basis; and that no child shall be employed for more than six hours in a day or for more than two hours without a period of leisure of not less than 30 minutes. The ordinance contains further provisions restricting the employment of children and young persons.

Copies of reports of the Department of Education and the Housing Authority were appended to the Government's report.

Gibraltar.

In reply to an observation made by the Committee of Experts, the Government has stated that it has been decided not to proceed with the consolidation of the Truck Ordinance with the Regulation of Wages and Conditions of Employment Ordinance, but suitably to amend the latter so as to prohibit the partial payment of wages in forms incompatible with the requirements of Article 15 of the Convention, and so as to make it compulsory for employers to furnish employees with statements of wages in accordance with the same Article.

The proposed amending legislation would be considered by the Labour Advisory Board before it is submitted to the appropriate authority for enactment.

Mauritius.

Employment and Labour (Amendment) Ordinance, No. 25 of 1965.

Article 7 of the Convention. The Town Planning Organisation has had staff increases and public opinion is being canvassed more actively in order that the town planning schemes which now exist for seven areas will be better understood when they are presented for approval.

A total of 10,132 dwelling houses have been constructed, of which 6,378 are in urban areas, most of them for owner occupation. In rural areas 3,254 houses have been built, plus an additional 500 which have been constructed for two new villages in the tea development areas. Although attempts have been made to encourage people to move out of congested areas, there is a greater demand for houses in urban areas. However, in order to eliminate congestion in the centre of towns, housing estates are being built on the outskirts of the urban areas.

Article 8. As a result of various legislative, administrative and financial measures there were in existence, in February 1964, 174 co-operative credit societies, eight tea-marketing co-operative societies and 12 fishermen's co-operative societies.

Article 16. In reply to a direct request made by the Committee of Experts, reference has been made to section 56 A and B of the above-mentioned ordinance which prescribes the maximum advances of wages and the conditions for their reimbursement.

Article 17. Various measures have been adopted to encourage people, including both wage earners and independent producers, to save. These have included the creation of co-operative credit societies, thrift and savings societies, school co-operative savings banks, facilities made available by the Post Office, an increase in the interest rate, publicity and propaganda by notices, posters, etc.

Article 19. The progressive development of education in Mauritius may be judged from the increased number of primary and secondary schools (it is estimated that 88.3 per cent. of school-age children attend school), but compulsory school attendance has not yet been introduced.

St. Christopher-Nevis-Anguilla.

In reply to a direct request made by the Committee of Experts, the Government has indicated that legislation is contemplated to regulate the maximum amounts and the manner of repayment of advances on wages, but that such legislation does not merit high priority as Article 16 of the Convention is already applied in practice. Pending the enactment of the necessary legislation, the position will be kept under review.

Solomon Islands.

Labour (Amendment) Ordinance, No. 20 of 1964.

Lands and Titles (Amendment) Ordinances, Nos. 15 of 1963, 22 of 1964 and 5 of 1965.

Labour (Housing Standards) (Amendment) Rules, 1964.

Article 9, paragraph 2, of the Convention. Workers are now sometimes accompanied by their families and the ratio of married to single workers is expected to rise as the housing position at places of employment improves.

Article 14, paragraph 1. There are currently two freely negotiated collective agreements in existence and the conclusion of such agreements is actively encouraged.

Southern Rhodesia.

In reply to an observation made by the Committee of Experts, the following information has been supplied.

Articles 15 and 18 of the Convention. The General Employment Bill, which contains provisions giving effect to these Articles of the Convention, is still under consideration.

Article 19. The programme for African education consists of five years' lower primary education and, within the financial resources available, of facilities to permit a further three years' upper primary education. However, the time is not yet appropriate for prescribing a minimum school-leaving age.

* * *

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), *United Kingdom* (Bermuda, British Honduras, Fiji, Mauritius, Solomon Islands).

The following reports repeat or refer to the information previously supplied:

France (French Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Falkland Islands, Gilbert and Ellice Islands, Grenada, Hong Kong, Jersey, Isle of Man, Montserrat, St. Helena).

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

Southern Rhodesia.

In reply to observations made by the Committee of Experts, it has been indicated that there is no change in the position; the coverage of agricultural workers and domestic servants by conciliation machinery continues to be a difficult problem which more advanced countries have so far not resolved.

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 ¹

This Convention came into force on 26 July 1955

Australia. Ratification: 30 September 1954.
Applicable with modification: New Guinea
and Papua: 30 September 1954.

Not applicable: Norfolk Island: 30 September 1954.

Decision reserved: Nauru: 30 September 1954.

France. Ratification: 26 July 1954.

Applicable without modification:

Overseas Territories: Comoro Islands, French
Polynesia, French Somaliland, New Caledonia,
St. Pierre and Miquelon: 6 December 1954.

Not applicable:

Overseas Departments: French Guiana, Gua-
deloupe, Martinique, Réunion: 27 April 1955.

United Kingdom. Ratification: 27 March 1950.

Applicable without modification: Aden,
Antigua, Bahamas, British Guiana, British

Honduras, British Virgin Islands, Dominica,
Gibraltar, Grenada, Hong Kong, Mauritius,
Montserrat, St. Christopher-Nevis-Anguilla,
St. Helena, St. Lucia, St. Vincent, Seychelles,
Southern Rhodesia: 27 March 1950.

Swaziland: 13 April 1964.

Bechuanaland: 11 December 1964.

Applicable with modification: Barbados,
Brunei, Fiji: 27 March 1950.

Decision reserved: Basutoland, Bermuda,
Falkland Islands, Gilbert and Ellice Islands,
Solomon Islands: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Under Article 9 of this Convention its provisions cease to apply in respect of any territory to which the provisions of the Labour Inspection Convention, 1947 (No. 81), apply, by virtue of a declaration communicated in accordance with Article 30 or Article 31 of the latter Convention.

AUSTRALIA

New Guinea and Papua.

Commonwealth Crimes Act, 1914-60.

Industrial Safety, Health and Welfare Ordinance, 1961 (entered into force on 1 July 1965).

Industrial Relations Ordinance, 1962.

Public Service (Papua and New Guinea) Ordinance, 1963.

Under the Industrial Safety, Health and Welfare Ordinance, inspectors are empowered, subject to prescribed conditions, to take or remove for the purpose of analysis samples of materials and substances used or handled in the workplace or premises.

The provisions of Article 5, clause (b), which were excluded from the declaration of application, are now applied under section 70, paragraph 2, of the Commonwealth Crimes Act and the territorial public service legislation.

UNITED KINGDOM

Basutoland.

See under Convention No. 29.

Fiji.

Employment Ordinance, No. 15 of 2 July 1964, and Order (Legal Notice No. 57 of 1964) and regulations (Legal Notice No. 59 of 1965) made thereunder.

Workmen's Compensation Ordinance, No. 17 of 2 July 1964, and regulations (Legal Notices Nos. 75 and 124 of 1964) made thereunder.

Section 9, paragraph 1 (f) and (g), of the Employment Ordinance, 1964, empowers labour officers and inspectors to interrogate the employer and the employees in any

undertaking submitted to inspection, while section 9, paragraph 1 (b), gives effect to Article 4, paragraph 3, of the Convention.

Moreover, the requirements of Article 5, clauses (a) and (b), of the Convention are met by section 11 of the Employment Ordinance.

St. Christopher-Nevis-Anguilla.

Labour (Minimum Wage) Act, No. 21 of 1937, as amended by Act No. 5 of 12 January 1944.

Employment of Women, Young Persons and Children Act, No. 5 of 1938.

Employment of Children Prohibition Act, No. 5 of 1939.

Shops Regulations Ordinance, No. 5 of 1942.

Shop Order, 1942 (*Statutory Rules and Orders (S.R. and O.)*, 1942, No. 10).

Labour Ordinance, No. 1 of 1950, as amended by Ordinances Nos. 14 of 1957 and 21 of 1961.

Factories Ordinance, No. 11 of 7 June 1955 (entered into force on 20 October 1961).

Workmen's Compensation Ordinance, No. 21 of 30 September 1955.

Workmen's Compensation Regulations, 1956 (*S.R. and O.*, 1956, No. 30).

Workmen's Compensation Occupational Diseases Order, 1956 (*S.R. and O.*, 1956, No. 59).

Holidays with Pay Ordinance, No. 19 of 4 July 1956.

Article 2 of the Convention. It is hoped to appoint a labour inspector in 1966. In the meantime the Labour Commissioner is responsible for the performance of these functions.

Article 3. Although no special measures have been taken to enable workers and their representatives to communicate with the inspectorate, in practice the provisions of this Article are observed.

Article 4, paragraph 1. The Labour Commissioner has been given general powers to supervise and review on a regular basis the conditions of various forms of employment existing in the territory. In addition other public officers, such as labour and factory inspectors, police officers and labour officers are authorised to make inspections in accordance with the relevant legislation.

Paragraph 2. The Labour Ordinance, 1950, and the Factories Ordinance, 1955, partially comply with the provisions of this paragraph.

Paragraph 3. This disposition is observed in practice.

Article 5, clause (a). There are no statutory provisions prohibiting inspectors from having any direct or indirect interest in undertakings under their supervision.

Clause (b). Section 21 of the Factories Ordinance, 1955, partially applies this provision of the Convention. However, the disclosure of manufacturing or commercial secrets or working processes "even after leaving the service" is not expressly prohibited.

Clause (c). No legal or administrative provision covering this requirement has been made.

In addition, in reply to an observation made by the Committee of Experts, the Government has expressed its regret that no progress has been made regarding the enactment of legislation to give full effect to Articles 4 and 5 of the Convention. The Minister of Labour has requested the relevant draft legislation to be treated as a matter of priority.

St. Helena.

In reply to a direct request made by the Committee of Experts, the Government has stated that the possibility of making rules prescribing the duties and powers of labour inspectors is under consideration.

St. Lucia.

In reply to a request made by the Committee of Experts concerning the possibility of empowering labour inspectors to interrogate an employer or employees and to enforce the posting of notices required by the legal provisions, the Government has stated that the labour legislation is being reviewed and that the points raised are under consideration with a view to bringing this legislation into conformity with 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:

Australia (New Guinea, Papua), *France* (Comoro Islands, French Polynesia, New Caledonia), *United Kingdom* (Fiji, St. Christopher-Nevis-Anguilla).

The following reports repeat or refer to the information previously supplied:

Australia (Nauru, Norfolk Island), *France* (French Somaliland), *United Kingdom* (Aden, Bermuda, British Virgin Islands, Dominica, Gilbert and Ellice Islands, Montserrat, 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 Rhode-
 sia: 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

Southern Rhodesia.

Legislation covering the requirements of Articles 3 and 4, paragraph 1, of the Convention has been passed by Parliament.

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.

¹See footnote 1 to Convention No. 2.

UNITED KINGDOM

Basutoland (First Report).

Trade Unions and Trade Disputes Law, No. 11 of 1964.

Article 2 of the Convention. Any trade union organisation which wishes to have legal protection is required to be registered by the Registrar of Trade Unions within six months of its formation (section 7, paragraph 1, read in conjunction with section 76, of the Trade Unions and Trade Disputes Law). Before registration, copies of the rules of the union and a list of the titles and names of its officers must be submitted on the prescribed forms to the Registrar. If he is satisfied that the rules conform to the law, he issues a certificate of registration. The Registrar may, under section 13 of the Trade Unions and Trade Disputes Law, refuse registration. He must then notify the applicants of his refusal, against which the applicants have a right of appeal to the High Court under the rules of court relating to appeals (section 15).

Article 3. The first schedule made under section 35 sets out matters for which provision must be made in the rules of every trade union.

Article 4. The Registrar may, under section 14, paragraph 2, cancel the registration and the certificate of registration of a registered trade union and, in so doing, must give not less than two months' notice of the proposed cancellation (section 14, paragraph 3). The trade union concerned may within this period show cause in

writing against the proposed cancellation (section 14, paragraph 4). The union affected may appeal against the cancellation to the High Court (section 15). If a trade union fails to apply for registration within six months of its formation or from the date of commencement of the Trade Unions and Trade Disputes Law, whichever is the later, it must be dissolved (section 7).

The registration of a trade union may be cancelled (*a*) at the request of the trade union upon its dissolution; (*b*) if the Registrar is satisfied that the union has ceased to exist (section 14, paragraph 1).

The registration of a trade union may be cancelled if the Registrar is satisfied (*a*) that the registration was obtained by fraud, misrepresentation or mistake; (*b*) that any of its principal objects are unlawful; (*c*) that its constitution or its executive committee is unlawful; (*d*) that it is being used for any unlawful purpose; (*e*) that it has wilfully, after notice from the Registrar, contravened the law or allowed any rule to continue in force which is inconsistent with the law or has rescinded any rule providing for any matter required by section 35 of the law; (*f*) that its funds are being expended in an unlawful manner or on an unlawful object; (*g*) that its accounts are not being kept in accordance with the provisions of the law; (*h*) that the trade union was when registered, or has subsequently become, a branch of a trade union other than a registered trade union (section 14, paragraph 1).

Article 5. The provisions of this Article are applied by sections 30, 31 and 33, paragraph 1, of the law.

Article 6. The guarantees prescribed by national legislation apply equally to federations and confederations if such combinations are trade unions within the meaning of the Trade Unions and Trade Disputes Law. There are no special legal provisions which otherwise apply with regard to federations and confederations (section 31, paragraph 6).

Article 7. Sections 18 to 23 of the Trade Unions and Trade Disputes Law are relevant to the provisions of this Article. The only prerequisite for the acquisition of legal personality under this law is registration of a trade union; the acquisition of legal personality is not compulsory.

Article 8. Regulation 39 made under Proclamation No. 32 of 1928, as amended, provides that a district commissioner may prohibit or restrict any meeting or assembly or gathering of people in any urban area (township).

Part II of the Public Order Proclamation, No. 3 of 1964, empowers administrative officers to control and direct the conduct of all public meetings within the area of their responsibility; these powers have been used during parliamentary elections in respect of constituencies and polling stations.

The United Kingdom Government representative or any person appointed by him may declare any society other than a registered trade union or federation of such union to be an unlawful society.

Under section 3, paragraph 46, of the Police Offences Proclamation, No. 31 of 1928, as amended, it is an offence to assemble or cause crowds to assemble in any public place whereby traffic is obstructed or public order interfered with.

Under the Emergency Powers Proclamation, No. 35 of 1939, as amended, the United Kingdom Government representative may make regulations for the apprehension, trial, punishment and detention of persons in the interest of public safety.

Under the Public Safety Proclamation, No. 46 of 1907, as amended, persons dangerous to the peace of the country may be confined or deported.

Proclamation No. 44 of 1938, as amended, deals with cases of sedition.

Article 9. Section 2 (i) and (ii) of the Trade Unions and Trade Disputes Law excludes from the scope of the law persons in the naval, military or air services of the Crown (other than locally engaged civilian employees) and also members of the Basutoland Mounted Police Force.

Members of the police force are, by regulation 18 of the Police Proclamation, No. 27 of 1957, as amended, forbidden to be members of the civil servants association or any trade union. They are, however, permitted to form their own association.

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.

NETHERLANDS

Netherlands Antilles.

In reply to an observation made by the Committee of Experts in 1964, the Government has stated that the advisory committees envisaged in Article 4 of the Convention have not been set up but preparations are being made for their establishment.

UNITED KINGDOM

British Honduras (First Report).

Article 6 of the Convention. An occupational dictionary prepared with the help of an I.L.O. manpower expert was due to be completed by the end of 1965.

The employment service organises the seasonal recruitment of workers from southern and western districts for work in the sugar plantations in the north.

A manpower information programme was introduced in 1963 with a survey covering all employers. A less comprehensive survey covering employers of ten or more persons was carried out in 1964. A comprehensive survey of the employment market situation was due to be carried out on the last working day of September 1965.

Article 10. The Government has given a lead to private industry by recruiting all its manual labour through the employment offices.

Gibraltar.

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

The terms of reference of the Youth Welfare Council were brought under review in 1965 by the Government and it is now proposed to replace the Council by a more

comprehensive body to be known as the Youth Employment and Welfare Council. The Labour Advisory Board, which is composed of equal numbers of employers' and workers' representatives, will be consulted on the constitution of the new Council.

Mauritius.

In reply to a direct request made by the Committee of Experts in 1964, the Government has indicated that the employers' and workers' members of the Labour Advisory Board are appointed after consultation with representative organisations of employers and workers.

Swaziland.

Article 1 of the Convention. The employment service has been established in pursuance of this Article.

Article 2. The employment service functions on a national basis under the Labour Commissioner, as a part of the Department of External Affairs and Labour.

Article 3. Two employment exchanges are being established in the two main urban population centres. The organisation of the service will be reviewed frequently during this initial experimental stage.

Articles 4 and 5. The service will function in due course as a part of the manpower information unit which it is hoped to establish in the light of the recommendations made in an I.L.O. technical assistance mission report on manpower in Swaziland. The unit will work with an advisory subcommittee of the National Labour Advisory Council, which includes representatives of employers and workers. Only one national body is desirable for such a small country.

Article 6. All the functions described in clauses (a), (b), (c) and (e) will be performed by the service when it becomes fully operative and provided that the manpower information unit can be established.

Article 7. No special arrangements are made to give effect to this Article.

Article 8. It is hoped to make special arrangements to develop vocational guidance for juveniles by means of annual visits to all secondary schools and to encourage all school leavers to register at employment exchanges.

Article 9. The employment service staff are permanent civil servants appointed by an independent Public Service Commission.

Article 10. Several advertisements in the local newspapers and informal contacts and official correspondence with employers' and workers' organisations are used to encourage full voluntary use of facilities.

Article 11. There are no private agencies not conducted with a view to profit.

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

Netherlands (Netherlands Antilles), *United Kingdom* (Gibraltar, Guernsey, Jersey, Isle of Man, Mauritius).

89. Night Work (Women) Convention (Revised), 1948¹

This Convention came into force on 27 February 1951

France. Ratification: 21 September 1953.

Applicable without modification:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 22 October 1954.

Applicable without modification: Netherlands Antilles: 15 December 1955.

No declaration: Surinam.

New Zealand. Ratification: 10 November 1950.

Decision reserved: Cook Islands and Niue: 10 November 1950.

Not applicable: Tokelau Islands: 10 November 1950.

Republic of South Africa. Ratification: 2 March 1950.

Applicable without modification: South West Africa: 10 February 1958.

*United Kingdom.*²

Decision reserved: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, 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 This Convention revises Conventions Nos. 4 of 1919 and 41 of 1934.

² Unratified Convention. These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when that Convention comes into force.

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

The following report repeats information previously supplied:

Netherlands (Netherlands Antilles).

90. Night Work of Young Persons (Industry) Convention (Revised), 1948 ¹

This Convention came into force on 12 June 1951

Netherlands. Ratification: 22 October 1954.
Applicable without modification: Netherlands
Antilles: 15 December 1955.
No declaration: Surinam.

*United Kingdom.*²

Decision reserved: Aden, Antigua, Bahamas,
Barbados, Basutoland, Bechuanaland, Bermuda,
British Guiana, British Honduras, British Virgin
Islands, Brunei, Dominica, Falkland Islands,

Fiji, 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 This Convention revises the Convention of 1919. See
Convention No. 6.

² Unratified Convention. See footnote 2 to Convention
No. 89.

NETHERLANDS

Netherlands Antilles.

In reply to an observation made by the Committee of Experts, the Government has stated that young persons between the ages of 16 and 18 years are not allowed in any circumstances to execute night work. This prohibition cannot be suspended even in case of serious emergency. Suspension of the prohibition as provided for in Article 3, paragraph 2, of the Convention is considered incompatible with progress in the field of fundamental rights and social security.

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The following report supplies information on the practical effect given to the Convention:

Netherlands (Netherlands Antilles).

92. Accommodation of Crews Convention (Revised), 1949¹

This Convention came into force on 29 January 1953

Denmark. Ratification: 30 September 1950.
Applicable without modification: Faroe Islands: 28 September 1960.
No declaration: Greenland.

France. Ratification: 26 October 1951.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 17 June 1958.
Not applicable:
Surinam: 14 November 1958.
Netherlands Antilles: 15 May 1959.

United Kingdom. Ratification: 6 August 1953.
Applicable without modification: Isle of Man: 13 February 1961.

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.

UNITED KINGDOM

Hong Kong (First Report).

Merchant Shipping (Amendment) Ordinance, No. 37 of 1959.
Merchant Shipping (New Accommodation) Regulations, 1961.

The Convention is applied in Hong Kong with modifications concerning Article 1, paragraph 5, Article 3, paragraph 2 (*c*) and (*e*), Article 5, clause (*c*), Article 10, paragraphs 9 (*d*) and 10.

The above-mentioned ordinance added a new section 17 A to the Merchant Shipping Ordinance empowering the Governor in Council to make regulations regarding crew accommodation in ships registered in Hong Kong.

The Director of Marine is given specific powers to exempt from or vary the regulations in particular ships.

Article 1 of the Convention. The regulations apply to vessels of between 200 and 500 tons but the Director is vested with powers of exemption for small vessels generally. In applying the regulations to existing vessels frequent minor variations are required, but no major exemptions are permanently made.

Formal consultation with organisations of shipowners and unions of seafarers has not been undertaken before framing crew accommodation requirements in general or granting exemption in particular cases. The regulations follow closely the regulations of the United Kingdom and they contain much that is the result of consultations in that country.

Article 3. The competent authority is the Governor in Council. The shipowner is responsible for compliance with the regulations to the satisfaction of the surveyors. Crew spaces which do not comply with the regulations are not deducted in the computation of net tonnage and the number of the approved crew is not shown on the register thus preventing the signing of a sufficient crew on articles.

Regulation 39, paragraph 3, of the Merchant Shipping Regulations permits but does not require consultation with shipowners' and seafarers' organisations before exemptions are granted from the requirements of the regulations.

Articles 4 and 5. The provisions of these Articles are incorporated in the regulations. Taking into account the illiteracy of certain seamen, the practice for surveyors is to receive, in addition to complaints made in writing, verbal complaints.

Articles 6 to 9. The provisions of these Articles are incorporated in the regulations. The regulations prescribe certain standards for heating.

Article 10. There are some small deviations from the requirements of this Article in connection with paragraphs 4, 5, 9 (*d*), 16, 19 and 27. However, these deviations are the result of local habits.

Articles 11, 12, 14, 15 and 17. The provisions of these Articles are incorporated in the regulations.

Article 13. A small deviation also exists in the application of this Article, in respect of paragraph 4. The supply of fresh water referred to under paragraph 6 is set at ten gallons per man per day.

Article 16. Modifications were noted under Articles 10 and 13. In framing the relevant regulations individual owners and seamen were consulted and advantage was taken of the experience of the local Officers' Guild.

Article 18. Existing ships transferring to the Hong Kong register since the date of the entry into force of the regulations are subject to the regulations and are brought up to standard at the time of registry. When problems of supply arise steps are taken to ensure that the modifications required are carried out within a reasonable time.

Supervision of the application of the legislation is entrusted to the Ship Surveys Division of the Marine Department. The accommodation is inspected and measured and the various installations are tested by the surveyors, who must refer to a senior surveyor if any exemption is required.

An owner or a seaman may appeal against a surveyor's decision to a senior surveyor, the Assistant Director or the Director of Marine. If an appeal were to go beyond the Director, the Governor would set up a court of inquiry to settle the matter.

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

France (French Guiana, Guadeloupe, Martinique, Réunion), *United 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.
St. Christopher-Nevis-Anguilla: 1 December 1965.

Applicable with modification:
Fiji: 1 June 1960.
Swaziland: 28 August 1964.

Decision reserved:
Basutoland, Falkland Islands, Hong Kong, Montserrat, St. Helena, Seychelles: 22 March 1958.

Southern Rhodesia: 29 March 1961.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Basutoland.

The labour clauses inserted in every public contract include provisions on minimum wages. The contractors also agree to observe only normal working hours, certain health and safety conditions on the work sites and to accept liability in respect of any injury or damage occasioned by the execution of the works, unless due to any neglect or act of the Government.

The Convention is applied in practice.

Dominica.

In reply to a direct request made by the Committee of Experts, the Government has indicated the laws and regulations which relate to the health, safety and welfare of workers (Article 3 of the Convention) and also that it is proposed to amend the Fair Wages Rules, 1954, in order to provide for the posting of notices (Article 4, clause (a) (iii)).

Fiji.

Clause 22 of the General Conditions of Contract has been amended to take into account the provisions of the Wages Regulation (Building and Civil Engineering Trades) (Viti Levu) Order, 1964.

In reply to an observation made by the Committee of Experts, the Government has also indicated the decisions taken in the light of observations made by employers' and workers' organisations.

Gilbert and Ellice Islands.

Employment Ordinance, No. 6 of 1965.

Mauritius.

Labour Clauses in Public Contracts Ordinance, No. 31 of 1964.

The above-mentioned ordinance provides for the application of labour clauses to all public contracts falling within the scope of the Convention.

Recent government contracts have included a provision requiring the display by the contractor of a copy of the labour clauses for the information of his workers.

St. Christopher-Nevis-Anguilla.

By virtue of the rules in connection with government and public contracts made in 1965 the Convention is now fully applied.

St. Lucia.

Labour Clauses (Public Contracts) (Amendment) Ordinance, No. 15 of 1965.

Labour Clauses (Public Contracts) (Amendment) Rules (*Statutory Rules and Orders*, 1965, No. 17).

Solomon Islands.

In reply to a direct request made by the Committee of Experts, the Government has stated that the adoption of rules concerning labour clauses in public contracts may be further delayed in consideration of the low rates of wages accepted in council and mission educational and medical development projects in the direct interest of the population.

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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, Réunion), *United Kingdom* (Aden, Bermuda, British Honduras).

The following reports repeat or refer to the information previously supplied:

France (Guadeloupe, Martinique), *Netherlands* (Netherlands Antilles), *United Kingdom* (Antigua, Barbados, British Guiana, Gibraltar, Guernsey, Jersey, 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.

FRANCE

New Caledonia.

In reply to a direct request made by the Committee of Experts, the Government has stated that the application of Article 6 of the Convention raises no problem.

UNITED KINGDOM

Barbados.

In reply to a direct request made by the Committee of Experts regarding Article 2, paragraph 2, and Articles 4 and 10 of the Convention, the Government has stated that legislation is under consideration.

Basutoland.

See under Convention No. 29.

British Guiana.

In reply to a direct request made by the Committee of Experts, the Government has stated that legislation to give full effect to Articles 4, 10 and 15, clauses (a) and (d), of the Convention has not yet been drafted. All laws and regulations are available to the public at nominal cost (Article 15, clause (a)).

Dominica.

Protection of Wages Ordinance, No. 17 of 1961, as amended by Ordinance No. 28 of 1962.

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

Article 3 of the Convention. The provisions of this Article are applied by section 5 of the above-mentioned ordinance.

Article 4. The provisions of this Article are applied by sections 3, 5 and 13.

Articles 5 and 6. The provisions of these Articles are applied by section 4.

Article 7. No works stores exist. Large-scale employers occasionally supply frozen meat in periods of shortage to their employees at less than market prices.

Article 10. It is felt that section 8 of the ordinance, taken in conjunction with the proviso in section 9, affords adequate cover taking into account the relatively large number of people in the peasant-cum-wage earner class of workers.

Article 11. In cases of bankruptcy wages are recoverable by civil action and are given the highest priority.

Article 12, paragraph 1, and Article 13, paragraph 1. Wages are paid weekly (by private employers) or fortnightly (to government non-established workers) on work days and, whenever practicable, at the workplace.

Article 12, paragraph 2. Upon termination of the contract wages are paid at the date when normal periodic payment is due.

Article 13, paragraph 2. This paragraph is applied by section 14 of the ordinance.

Article 14, clause (b). The need for legislative measures has not arisen so far.

Article 15, clause (b). The ordinance specifies the persons responsible for ensuring compliance with its provisions.

Articles 2, 8, 14, clause (a) and 15, clause (c). Only workers covered by existing wage regulation orders require protection, because of inadequate or ineffective trade union organisation.

Fiji.

Employment Ordinance, No. 15 of 1964.

Employment (Application) Order (Legal Notice No. 57 of 1965).

Employment Regulations (Legal Notice No. 59 of 1965).

Articles 1 and 2 of the Convention. The term "wages" applies to all remuneration except amenities or services excluded by statutory provisions. Under the Employment (Application) Order, and following consultation of the Labour Advisory Board, the remuneration of non-manual workers earning more than £52 per month, £12 per week or £2 per day, or of persons whose terms and conditions of employment are prescribed by law, is excluded.

Article 3. The provisions of this Article are applied by section 50, paragraph 1 (c), of the ordinance.

Article 4. Under section 52 an employer may provide food, etc., for an employee, in addition to money wages. Payment in the form of intoxicating liquor is prohibited.

Article 5. Payment of wages to a member of an employee's family is permitted under the terms of section 50, paragraph 3, of the ordinance.

Article 6. The provisions of this Article are applied by section 50, paragraph 1 (e).

Article 7. The provisions of this Article are applied by section 50, paragraph 1 (e), and section 51, paragraph 1 (c) (i).

Article 8. Section 51 governs deductions, the provisions being enforced by frequent inspections. Copies of labour legislation are supplied free to members of the Labour Advisory Board and are made available to any other person at nominal cost.

Article 9. Only deductions made under section 51 of the ordinance are permitted.

Article 10. There is no Fiji legislation respecting attachment and assignment of wages. As regards the attachment of wages, the United Kingdom Wages Attachment Abolition Act, 1840, is deemed to apply.

Article 11. Wages constitute a privileged debt to the extent of four months' pay (section 54 of the ordinance).

Article 12. Sections 27 and 50, paragraph 1, apply the provisions of this Article.

Article 14, clause (a). Under the Wages Regulation Order the posting of notices on conditions of employment is required. The contents of collective agreements are usually published in the press. Section 35 of the Employment Ordinance requires that the attesting officer, before attesting a contract, must be satisfied that the employee has fully understood its terms.

Clause (b). Section 50, paragraph 2, of the ordinance applies the provisions of this clause.

Article 15. The provision of information on the laws and regulations to the persons concerned is ensured as under Article 8. The ordinance is enforced by the Labour Commissioner and his staff. Provision is made for penalties and for records to be kept.

Gibraltar.

In a reply to a direct request made by the Committee of Experts, the Government has stated that, instead of consolidating the Truck Ordinance with the Regulation of Wages and Conditions of Employment Ordinance, it is proposed to amend the latter to meet the requirements of Articles 4 and 14, clause (b), of the Convention.

Hong Kong.

The first draft of a Bill to apply all the provisions of the Convention has now been prepared and is being studied.

Jersey.

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

Article 3, paragraph 1, Article 8, paragraph 2, and Article 9 of the Convention. There is no abuse of these provisions in Jersey. However, a decision is expected shortly in regard to measures to implement the provisions.

Article 11. The provisions of this Article are applied but will be considered together with the question of the legal effects of bankruptcy, which is under review.

Article 15, clause (d). Consideration will be given to this requirement.

Mauritius.

The Employment and Labour (Amendment) Ordinance, No. 25 of 1965, governs payment by cheque and deductions for the recovery of advances of wages.

Montserrat.

Protection of Wages (Amendment) Ordinance, No. 12 of 1963.

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

Article 4 of the Convention. There is no abuse of the provisions of this Article. Should any payment in kind not be appropriate, the Government would seek an equitable arrangement. Section 13 of the above-mentioned ordinance has now been amended to prohibit payment in the form of noxious drugs or of intoxicating liquor.

Further action to bring the legislation into conformity with the requirements of Articles 4 and 10 of the Convention has been delayed owing to limited legal drafting capacity.

St. Lucia.

Wages Ordinance, No. 23 of 1965.

Article 4 of the Convention. In reply to a request made by the Committee of Experts, the Government has stated that the provisions of the above-mentioned ordinance prohibit payment of wages in the form of liquor and noxious drugs and limit the value of payments in kind to one-third of the amount of regular wages.

Solomon Islands.

Labour (Amendment) Ordinance, No. 20 of 1964.

Labour (Rations) Rules, 1964.

In reply to a direct request made by the Committee of Experts, the Government has stated that legislation which is pending would apply to seamen and domestic servants and that sections 9 (Part VI) and 12 of the Labour Ordinance, 1960, as amended, meet the requirements respectively of Articles 10, 14 and 15, clause (d), 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:

France (French Guiana, Guadeloupe, Martinique, Réunion), *United Kingdom* (British Honduras).

The following reports repeat or refer to the information previously supplied:

France (Comoro Islands, French Polynesia, French Somaliland), *Netherlands* (Netherlands Antilles), *United Kingdom* (British Guiana, Isle of Man).

97. Migration for Employment Convention (Revised), 1949 ¹

This Convention came into force on 22 January 1952

France. Ratification: 29 March 1954.
Not applicable:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 20 May 1952.
Not applicable: Netherlands Antilles, Surinam: 10 June 1955.

New Zealand. Ratification: 10 November 1950.
Not applicable: Tokelau Islands: 10 November 1950.

Decision reserved: Cook Islands and Niue: 10 November 1950.

United Kingdom. Ratification: 22 January 1951.

Applicable without modification:
Guernsey ², Jersey ², Isle of Man ²: 10 March 1956.

Mauritius ³: 16 December 1958.

Barbados ⁴, British Guiana ⁴, Dominica ⁴, Grenada ⁴, St. Lucia ⁴, St. Vincent ⁴: 22 September 1960.

Bahamas ²: 13 February 1961.

Applicable with modification:

Antigua ⁴, British Virgin Islands ⁴, Montserrat ⁴, St. Christopher-Nevis-Anguilla ⁴: 22 September 1960.

Bechuanaland ³: 24 September 1965.

Decision reserved:

Aden, Bermuda, Brunei, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, St. Helena, Seychelles, Solomon Islands: 16 December 1958.

Basutoland, 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

Dominica.

In reply to a request made by the Committee of Experts in 1965, the Government has supplied the following information.

Articles 1 and 2 of the Convention. The Department of Labour renders free assistance in accordance with the terms of the Convention. There is, however, relatively little migration for employment.

Most emigrants wish to proceed to the United Kingdom, entry into which has, since 1962, been controlled by the Commonwealth Immigration Act. The Department of Labour assists the persons concerned with advice, information, and the completion of the necessary forms, and generally serves as an intermediary. Another destination of prospective emigrants is the neighbouring French island of Guadeloupe. A few prospective emigrants to Canada and the United States (in respect of which government-sponsored schemes are in operation), Puerto Rico and the United States Virgin Islands also claim the assistance of the Department.

Immigration is under the control of the Police and Customs Departments. A prospective immigrant who is not declared an undesirable alien has merely to satisfy those authorities that he is unlikely to become a charge on the public purse in order to be admitted.

Articles 3 and 4. On one occasion a private employment exchange registered outside the territory has advertised in the Dominica Press. The local radio was used for the purpose of enlightening the public, after the competent authority had ascertained the true standing of the exchange and the reliability of the material advertised by it.

Measures aimed at facilitating the departure, journey and reception of emigrants exist in the cases of persons travelling to Canada and the United States under schemes already in operation, as well as in the case of persons travelling to the United Kingdom. This machinery is at the disposal of the public, at their request.

Article 5. Appropriate medical services are supplied by the Health Department. Except for the endorsing of international vaccination certificates, for which a token fee is charged, these services are free. The most comprehensive of these services is applicable to emigrants to Canada under the domestic service workers scheme and includes V.D.R.L., urinalysis, stools examination, chest X-ray, physical examination, and inoculation.

Article 6. There is no discrimination with regard to nationality, religion, race or sex in respect of the matters mentioned in clauses (a) to (d). Should discrimination occur, a complaint by the aggrieved person could be expected to result in immediate remedial measures.

Article 7. The employment services and other services connected with migration do co-operate with the corresponding services of other countries such as the United Kingdom, Canada, and Barbados. The facilities provided in this respect are free of charge.

Article 8. There is no legal provision for repatriation against their wish of an immigrant and his family who have been admitted to the territory on a permanent basis, on account of illness contracted or injury sustained subsequent to entry.

The territory is not a party to any agreement containing provisions such as those mentioned in this Article.

The Administrator, who is the competent authority, sets no limit of time before which a migrant can be returned.

Article 9. Since the virtual abolishment of exchange control in the United Kingdom a migrant in the territory is permitted to transfer as much of his earnings or savings as he may desire. A migrant would, however, have to satisfy the competent authority as to his bona fides in the matter of transfers of currency.

Article 10. No agreement of the nature referred to in this Article has been concluded.

Article 11. The term "frontier workers" is not defined, nor is any category of immigrant excluded from the application of the law or custom in respect of this Convention.

Grenada.

Regulations concerning the recruitment of workers, 1943, as amended.

In reply to a request made by the Committee of Experts in 1965, the Government has specified that the period for which foreign workers are recruited does not exceed two years and may be renewed for a further 12 months. No legislative text provides for any discrimination in the treatment of foreign workers.

101. Holidays with Pay (Agriculture) Convention, 1952

This Convention came into force on 24 July 1954

France. Ratification: 29 March 1954.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 11 July 1955.
No declaration: all other territories.

Netherlands. Ratification: 27 November 1958.
Applicable without modification:
Netherlands Antilles, Surinam: 2 June 1964.

New Zealand. Ratification: 24 July 1953.
Decision reserved: Cook Islands and Niue: 24 July 1953.

Not applicable: Tokelau Islands: 24 July 1953.

United Kingdom. Ratification: 25 June 1956.
Applicable without modification:
Barbados: 9 February 1959.
St. Lucia, St. Vincent: 11 April 1960.
St. Christopher-Nevis-Anguilla: 5 January 1961.

Isle of Man: 29 March 1961.
British Honduras: 1 August 1961.
Antigua: 26 June 1962.

Decision reserved:
Southern Rhodesia: 22 March 1958.
Basutoland, Bechuanaland, Swaziland: 19 January 1959.

Bahamas, Bermuda, British Guiana, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong,Montserrat, St. Helena, Seychelles, Solomon Islands: 9 February 1959.

Guernsey, Jersey: 8 March 1960.

Mauritius: 10 October 1960.

Dominica: 23 February 1961.

Grenada: 13 March 1961.

Not applicable: Aden, Gibraltar: 9 February 1959.

NEW ZEALAND

Cook Islands and Niue.

See under Convention No. 52.

UNITED KINGDOM

Antigua.

No legislative effect is given to the provisions of the Convention, but there are clauses in the sugar and the government non-established workers agreements designed to enable workers to enjoy holidays with pay after a period of continuous service with the same employer.

There are practically no other agreements giving effect to the provisions of the Convention because most other agricultural workers, not covered by the above-mentioned agreements, are self-employed on their own plots.

Basutoland.

See under Convention No. 29.

Bechuanaland.

Employment Law, 1963 (entered into force on 22 October 1964) (Section 16).

Employment (Amendment) Law, No. 24 of 1964 (Section 3).

British Honduras.

Government Workers' Rules, 1964.

Fiji.

Employment Ordinance, 1964.

Employment Regulations, 1965.

Employment (Application) Order, 1965.

Regulation 11 of the Employment Regulations, 1965, requires that every employee engaged on manual labour in any agricultural undertaking, except persons excluded by sections 4 to 6 of the Employment (Application) Order, shall be given a paid holiday in accordance with the provisions of Part IV of the Employment Regulations.

Regulation 12 provides that, after each year of employment with an employer, an employee shall be entitled to eight working days' holiday with pay.

Regulation 13 provides that, when an employee has completed six months continuous service, he shall be paid two-thirds of his daily rate of wages in respect of each completed month of such service.

The legislation does not provide for differentiation between young and adult workers or for public or customary holidays or weekly rest days. Absence from work due to sickness certified by a medical practitioner is counted as continuous employment but does not qualify for payment (Regulation 12, paragraph 1). Annual paid holidays may be taken in one unbroken period or, at the request of the employee, in two or more periods, one of which must be a continuous period of one week (Regulation 12, paragraph 2). The wages payable for the holiday period are those that the employee would have been paid had he been working during that time. Regulation 18 states that "any agreement by an employee to forgo his entitlement to the paid holiday provided for by these regulations, even in return for compensation, shall be null and void". Regulation 13, paragraph 2, indicates that any employee who is entitled to a paid annual holiday, but whose employment is terminated before it is taken, must be paid the wages due to him in respect of such holiday, together with two-thirds of his daily rate of wages in respect of each completed month of employment following the completion of the last year in respect of which he earned a paid annual holiday.

Isle of Man.

Agricultural Wages Board Order, 1963.

Agricultural Wages Board Order No. 2, 1963.

Agricultural Wages Board Order, 1965.

St. Lucia.

Holidays with Pay Ordinance, No. 16 of 1965.

In reply to a direct request made by the Committee of Experts, the Government has indicated that the Holidays with Pay Ordinance of 1965 has replaced the Holidays with Pay Ordinance of 1957 and that section 3, paragraph 9, of the new legislation lays down that an employee's period of annual holiday shall not include any period of sick leave to which he is entitled or any period of disablement caused by an accident or disease giving entitlement to compensation under the Workmen's Compensation Ordinance, 1964 (Article 5, clause (d), of the Convention).

Under the new legislation a "year of employment" is now defined as any 12 consecutive months during which the effective service of employees employed on a weekly, fortnightly, monthly or yearly basis amounts to an aggregate of at least 250 days, and during which the effective service of other employees amounts to at least 150 days. Effective service includes any absences with the permission of the employer on account of sick leave to which the employee is entitled or on account of an accident or disease

giving entitlement to compensation under the Workmen's Compensation Ordinance, as well as absences for jury or similar public service.

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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 (Guadeloupe, Réunion), *United Kingdom* (Isle of Man).

The following reports repeat or refer to the information previously supplied:

France (French Guiana, Martinique), *Netherlands* (Netherlands Antilles), *United Kingdom* (Barbados).

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955

This Convention came into force on 7 June 1958

New Zealand. Ratification: 28 June 1956.
Applicable without modification:

Cook Islands and Niue, Tokelau Islands:
28 June 1956.

* * *

The following reports repeat or refer to the information previously supplied:
New Zealand (Cook Islands and Niue, Tokelau Islands).

105. Abolition of Forced Labour Convention, 1957

This Convention came into force on 17 January 1959

Australia. Ratification: 7 June 1960.
Applicable without modification: Nauru, New Guinea, Norfolk Island, Papua: 5 October 1961.

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.

NETHERLANDS

Netherlands Antilles.

In reply to a request made by the Committee of Experts, the Government has stated that the question of revising sections 413 and 414 of the Criminal Code regarding disciplinary offences by seamen is at present being studied. These sections are never applied in practice.

UNITED KINGDOM

Antigua.

In reply to a request made by the Committee of Experts, the Government has indicated that section 8 of the Trade Unions Act (concerning illegal strikes) was repealed in 1947.

Basutoland.

See under Convention No. 29.

Bechuanaland.

In reply to a request made by the Committee of Experts, the Government has indicated that the African Administration Proclamation has been repealed. The Cape Statutes concerning vagrancy are still applied, but no use has been made of them over the last 18 months and consideration is now being given to their repeal.

Bermuda.

In reply to a request made by the Committee of Experts, the Government has indicated that new trade union legislation will provide that it shall not be deemed an offence to cease work, or to refuse to continue to work or to accept employment.

Fiji.

Employment Ordinance, 1964.

Fijian Affairs Regulations.

Rotuma Regulations.

Forced or compulsory labour may not be used for any of the purposes mentioned in the Convention.

Although Fijian Affairs Regulations Nos. 5 and 6 and Regulations Nos. 17 and 18 of the Rotuma Regulations permit compulsory labour for social services, they remain unenforced and the penal sanctions for which they provide will be dispensed with as soon as a review of the Fijian administration has been completed.

Gilbert and Ellice Islands.

In reply to a direct request made by the Committee of Experts, the Government has supplied information on a case illustrating the application of a provision relating to seditious offences.

Hong Kong

Contracts for Overseas Employment Ordinance, No. 8 of 1965 (*Government Gazette (G.G.)*, 12 Feb. 1965, No. 9, Legal Supplement No. 1).

Employers and Servants (Amendment) Ordinance, No. 15 of 1965 (*G.G.*, 12 Mar. 1965, No. 16 Legal Supplement No. 1).

In order to minimise the possibilities of exaction of forced labour, the above-mentioned ordinances prohibit any operation undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services.

Since 1961, when the Compulsory Service Ordinance, 1951, was suspended, service in the Essential Services Corps is no longer compulsory.

In reply to a request made by the Committee of Experts, the Government has supplied information on the practical application of the Societies Ordinance (including the number of applications for registration refused). All convictions for offences under the ordinance were related to membership of three unlawful societies.

During the period under review no applications for printing press licences were refused, no current licences were cancelled, and there were no prosecutions for unlawful possession of printing presses under the Control of Publications Consolidation Ordinance and the regulations made thereunder. There have never been any prosecutions for distributing a newspaper without a licence, nor has any licence been revoked.

St. Christopher-Nevis-Anguilla.

In reply to a request made by the Committee of Experts, the Government has indicated that section 8 of the Trade Unions Act, 1939, concerning punishment for participation in illegal strikes, was repealed in 1947.

St. Helena.

In reply to a request made by the Committee of Experts, the Government has indicated that no regulations have been made under the Political Prisoners (Detention) Ordinance, nor have any prisoners ever been detained thereunder.

Solomon Islands.

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

There have been no offences under resolutions adopted in pursuance of section 18 of the Native Administration Ordinance (concerning dissemination of false news).

Reference is also made to the information provided in respect of Convention No. 29.

* * *

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

Netherlands (Netherlands Antilles), *United Kingdom* (Antigua, British Guiana, British Honduras, Gilbert and Ellice Islands, Hong Kong, Montserrat, Seychelles).

The following reports repeat or refer to the information previously supplied:

Australia (Nauru, New Guinea, Norfolk Island, Papua), *United Kingdom* (Barbados, Dominica, Falkland Islands, Gibraltar, Grenada, Guernsey, Jersey, Isle of Man, St. Lucia).

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.
Hong Kong: 1 December 1965.
British Guiana: 28 February 1966.

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.
Mauritius: 20 July 1965.
Bechuanaland: 24 September 1965.
St. Christopher-Nevis-Anguilla: 1 December 1965.
No declaration: all other territories.

UNITED KINGDOM

Bahamas (First Report).

Code of Practice for the Protection of Persons against Ionising Radiations Arising from Medical and Dental Use, 1964.

Articles 1 to 15 of the Convention. No legislation has been adopted to give effect to the provisions of the Convention. Various provisions are applied by the Code of Practice. The Convention is applied to equipment used for diagnostic X-ray purposes and only hospital employees are involved.

The controlling authority is the Ministry of Health. There are no industrial users of substances involving exposure to ionising radiations at present. It is the practice in hospitals for the radiologist to be responsible for the Code of Practice being observed. The supervisory medical officer is the medical specialist of the hospital.

Legislation to enforce the provisions of the Convention is envisaged when industrial use of substances involving exposure to ionising radiations develops. No decisions have been given by the courts in this field, and no observations have been received from workers' organisations. No practical difficulties in the application of the Convention have been experienced.

Bermuda (First Report).

Code of Practice for the Protection of Persons against Ionising Radiations Arising from Medical and Dental Use, 1964.

Article 1 of the Convention. The Convention is applied by means of the above-mentioned Code of Practice. Representatives of employers and workers have been consulted on the application of the Convention.

Article 2. The only activities requiring the use of substances involving exposure to ionising radiations are in the fields of medicine and dentistry.

Article 3. The effective protection of the workers involved is ensured through the application of the Code of Practice. As regards progress in the application of the Convention, it is proposed to issue an order declaring that any trade, business or manufacture which may involve the exposure of workers to ionising radiations shall

be an "offensive trade" within the meaning of the Public Health Act, 1949. Categories of persons concerned are defined in the Code of Practice.

Articles 4 to 9. These Articles are fully applied through various provisions of the Code of Practice.

Article 10. Notification of work involving exposure of workers to ionising radiations is not yet required by laws or regulations, but steps are taken to issue an order to this effect.

Articles 11 to 14. These Articles are fully applied by means of the Code of Practice.

Article 15. An inspection service has not as yet been set up. No court decisions have been given in this field.

British Honduras (First Report).

British Code of Practice for the Protection of Persons against Ionising Radiations.

Labour Ordinance, No. 115 of 1959.

Labour (Amendment) Ordinance, No. 20 of 1964.

Article 1 of the Convention. The above-mentioned British Code of Practice is applied.

Article 2. This Article is relevant as regards certain hospitals and dental clinics.

Article 3. All persons, including both workers and patients involved in X-ray treatment, are protected.

Article 4. Any use of ionising radiations is required to be notified to the Labour Commissioner; the Minister may make regulations to restrict the exposure of workers to a minimum.

Article 5. The Code of Practice applies the provisions of this Article.

Article 6. The Minister of Labour has the power to modify the limits of exposure of workers to ionising radiations.

Article 7. No workers under the age of 16 are employed in radiation work.

Article 8. Appropriate levels of exposure to ionising radiations are fixed in accordance with the Code of Practice.

Article 9. Certain safety indications are displayed and lectures are given to all workers engaged in radiation work.

Article 10. Any work involving exposure to ionising radiations is required to be notified to the Labour Commissioner.

Article 11. Labour inspectors check workplaces where there are radiation hazards.

Article 12. Personnel monitoring is carried out.

The Labour Commissioner assisted by five labour inspectors and a qualified government radiographer supervise the practical application of the Convention.

There have been no court decisions in this field.

The Labour Department is considering the application of new regulations concerning the operation of X-ray machines for medical and dental use and the duties of all persons involved in radiation work.

Hong Kong.

Radiation (Control of Radioactive Substances) Regulations, 1965.

Radiation (Control of Irradiating Apparatus) Regulations, 1965.

Article 2 of the Convention. The Convention is applied to all activities involving the exposure of workers to ionising radiations whether in industrial undertakings or not.

Jersey (First Report).

Protection against Ionising Radiations (Jersey) Regulations, 1965.

The Convention is applied by means of the above-mentioned regulations and also by the Code of Practice for the Protection of Persons against Ionising Radiations Arising from Medical and Dental Use; this Code of Practice is applicable to all workers in hospitals or similar institutions.

There have been no court decisions in the field covered by the Convention and no observations have been received from organisations of employers and workers.

St. Vincent (First Report).

There is no local legislation on this matter. The Medical Department, the only user of apparatus emanating ionising radiations, complies with the provisions of the hospital guide. The British Code of Practice is followed.

The Medical Department makes every possible effort within its limited field of operation to comply with the requirements of the Convention.

* * *

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

United Kingdom (Bermuda, British Honduras, Jersey).

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, New Caledonia, 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, Basutoland, Bermuda, Dominica, Falkland Islands, Grenada, Isle of Man, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland.*

In the territories listed below copies of the reports have been communicated to the Labour Advisory Board: *British Honduras, Gibraltar, Hong Kong.*

The reports from the following territories state that at present there are no representative employers' or workers' organisations: *British Virgin Islands, Gilbert and Ellice Islands, Guernsey, Jersey, St. Helena.*

In addition, copies of all reports supplied in respect of non-metropolitan territories have been communicated to the British Employers' Confederation and to the Trades Union Congress.

United States. Copies of the reports have been communicated to the organisations in the United States.

International Labour Conference

FORTY-SIXTH SESSION
GENEVA, 1962

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)

Forced Labour

GENEVA
International Labour Office
1962

09661

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 four instruments: the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35), and the Forced Labour (Regulation) Recommendation, 1930 (No. 36). The governments of Members were requested to send their reports to the International Labour Office before 1 July 1961. The present summary, which is submitted to the Conference in conformity with article 23, paragraph 1, of the Constitution, covers reports received by the Office up to 30 November 1961.

The Forced Labour Convention, 1930 (No. 29), and the two Recommendations to which the reports summarised in this volume relate, have already been the subject of reports under article 19 of the Constitution. These reports were requested for 1949.¹

It should also be noted that summaries of the reports supplied pursuant to article 22 of the Constitution by States which have ratified both Conventions or either of them, are presented to the Conference each year.²

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 46th Session (1962), will include general observations made by the Committee on the reports on the above-mentioned Conventions and Recommendations.

¹ The summaries of these reports are to be found in I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, Thirty-third Session, Geneva 1950 (Geneva, 1950).

² These summaries have been presented to the Conference in the case of the Forced Labour Convention, 1930 (No. 29), from the 17th Session (1933) onwards, and in the case of the Abolition of Forced Labour Convention, 1957 (No. 105), from the 45th Session (1961) onwards. The summary of reports on ratified Conventions is now presented to the Conference as Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*.

FORCED LABOUR CONVENTION, 1930 (No. 29)

BOLIVIA

Constitution.

Decree of 15 May 1945.

Section 5 of the Constitution states that no form of personal bondage shall be recognised and that no one shall be forced to provide personal service without fair remuneration and without full consent. It is further specified that personal service may be exacted only when authorised by law.

The Decree of 15 May 1945 abolished the traditional institutions of *pongueaje* and *mitanaje*, which were forms of compulsory service exacted from peasants living on a landlord's estate.¹ The decree laid down penalties for violation of this provision, with the possibility of denunciation by popular action. Persons previously subject to such labour were permitted to abandon this work and return to their homes.

In order to increase production and to achieve self-sufficiency for the Army, the present Government has decided to form militia regiments dividing their time between strictly military duties and agricultural work. This experiment has given excellent results in the migration of small groups from the Andes and from the valleys to the eastern part of the country.

Under the present legal system, work performed by convicts is based on an appropriate sentence by a court of law and is covered by the term "public works". However, this form of sentence is not passed in actual fact, and the work performed by convicts within prison premises, small jobs of masonry and other handicraft tasks, are remunerated accordingly when undertaken for the State. Forced or compulsory labour as a form of levy or for works of public utility no longer exists. The former Act of 9 December 1905 laid down a compulsory road maintenance contribution for all males between the ages of 18 and 60, with two days' work as a penalty for those who failed to comply with this provision. An Act of 29 November 1913 stated that in no circumstances would the indigenous population be compelled to make such a contribution in cash, and that they should provide their services in person or through a substitute within a radius of not more than ten miles from their places of residence. The same Act states that only in exceptional cases of landslide, flood or other acts of God interrupting communications or for the construction of roads or dikes required for public safety could personal services be required. Nevertheless, this form of forced labour has disappeared from legislation in force. Work or service is not imposed in cases of *force majeure*, nor are minor communal services forcibly exacted as defined by the Convention.

CANADA

There is no legislation, federal or provincial, which exacts from anyone forced or compulsory labour within the meaning of Article 2. Canada has no compulsory military service law; "minor communal services" are not exacted; prison labour can

¹ The work done by a *pongo* or a *mitani* is described in I.L.O.: *Indigenous Peoples*, Studies and Reports, New Series, No. 35 (Geneva, 1953), pp. 376-378.

be exacted only as a consequence of a conviction in a court of law. In certain provinces the Civil Defence Acts and the legislation for protection of forests from fire require service from citizens to deal with emergencies caused by local disasters.

Since in Canada there is no forced or compulsory labour within the meaning of the Convention, it has not been considered necessary to take any action, legal or otherwise, to suppress such practices.

CHINA

National Labour Service Act. Promulgated on 4 December 1943.

Detailed measures for the enforcement of the National Labour Service Act. Promulgated on 18 April 1944; amended on 26 March 1956.

National General Mobilisation Act. Promulgated on 29 March 1942.

Military Requisition Act. Promulgated on 12 July 1937.

Detailed measures for the enforcement of the Military Requisition Act. Promulgated on 8 June 1938.

Air Defence Act. Promulgated on 12 May 1948.

Regulations governing the recruitment of civilian workers for military agencies or units. Issued on 25 June 1947.

Regulations governing the provision of indemnities in the event of death or injury to civilian workers recruited for military use. Issued on 26 April 1949.

Penal Code. Promulgated on 1 January 1935; as amended up to 23 October 1954.

Detention Act. Promulgated on 19 January 1946; as amended up to 7 January 1957.

Act respecting the serving of sentences in prisons. Promulgated on 19 January 1946; as amended up to 7 January 1957.

Regulations concerning labour services performed by convicts outside their prisons. Promulgated on 1 November 1947; as amended on 17 August 1955.

Regulations for the disposal of prisoners during the period of suppression of rebellion. Promulgated on 23 August 1954 (came into force on 1 September 1954 for Taiwan, Iukian and Chekiang provinces).

Regulations concerning security measures for convicts involved in larceny and related crimes during the period of the suppression of the rebellion. Promulgated on 30 December 1955; on 3 January 1955 Taiwan province was designated to be the area in which the regulations were to be enforced; as amended up to 30 January 1957.

Military Requisition and Prison Labour.

A. Nature of military requisition. Under the Air Defence and the Military Requisition Acts, labour services as compulsorily requisitioned shall be those of a purely military nature (section 6 (1) of the Air Defence Act and section 2 (1) of the Military Requisition Act).

B. Conditions of prison labour. The conversion of sentences of imprisonment into labour services or the execution of compulsory labour in a workplace is to be carried out in accordance with the judgment of a court of law. However, if a convicted person so wishes, the prison superintendent may also put him to work while he is serving his sentence.

Labour services resulting from the conversion of sentences of imprisonment include such work of public interest as river dredging, road construction, kiln work, building and the like which is done outside the prisons (section 2 of the regulations concerning labour services performed by convicts outside the prisons). But when necessary, labour services may also be performed in a place specially appointed in the prison for the purpose (section 34 of the Prison Administration Act). The report gives particulars concerning the hours of work and the remuneration of the prisoners.

C. Labour requisition in an emergency. The Military Requisition Act, the Air Defence Act and the National General Mobilisation Act contain provisions regarding work or services which may be exacted in time of war or prior to its outbreak.

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D. *National voluntary labour.* In the interests of local reconstruction or for other public welfare purposes, voluntary labour may be secured under the National Labour Service Act (section 4).

The Ministry of Social Affairs (which has since ceased to exist) at the central level and the provincial, municipal and district governments at their respective levels were empowered under section 2 to impose labour under this Act on male citizens of the Republic of China between 18 and 50 years of age (section 1). However, when a person is unable to perform labour service for professional or other special reasons, he may provide a substitute to take his place (section 14). Provision is also made for postponement of and exemption from mobilisation under this Act (Chapter 4).

Labour service is to be performed for the benefit of the country and the localities (section 4); it is also designed to make labour the general habit of the people.

Labour service is to be performed during the slack season and after business hours, or during holidays (section 6). The duration of labour service, if reckoned in days, shall be ten days a year, each day's work amounting to not more than eight hours, or, if reckoned in hours, 80 hours a year, at the rate of at least one hour on each day worked (section 7).

Labour service is to be performed in the rural or urban subdistrict of the worker. When the worker is employed elsewhere than in his native district, he shall perform labour service at the place of his occupation (section 11). Board and lodging is to be provided for those whose place of residence is more than 5 kilometres from the place of labour service (section 13).

The competent authority is to ensure suitable allocation of the work, having regard to age, physical fitness, occupation and ability (section 10).

The tools needed for labour service are to be provided but those ordinarily used by the labour service worker may be hired (section 12).

When labour service is carried out in concentrated groups, adequate sanitary and medical equipment should be provided (section 16). Persons who fall sick or are injured as a result of labour service are to be entitled to medical treatment or payment of medical expenses. Pensions are to be granted to persons disabled as a result of labour service and to the surviving dependants in the event of the worker's death (section 17).

The National Labour Service Act contains the following provisions concerning certification and supervision:

(1) A labour service certificate is to be issued by the district or city authority on completion of service in each year, giving the person's name, age, address and place and dates of service (section 15).

(2) The labour service plan for each year and the measures for its enforcement, together with budgetary estimates, should be submitted for consideration by the local people's councils (section 4).

(3) Four months before the beginning of labour service, the rural and urban sub-district offices are to investigate the number of persons liable for service, compile lists of names, and submit them to the district authority for approval and publication. In case of error, the persons concerned may appeal for a correction to be made (section 8).

Penalties for Illegal Compulsory Labour.

Section 304 of the Penal Code provides that persons who use or attempt to use force or coercion to compel others to do work beyond their obligations shall be liable to imprisonment for not more than three years, short-term detention or a fine of not more than \$300. Under the provisions of the National Labour Service Act, the

provisional regulations concerning penalties for offences against national general mobilisation, the Military Requisition Act and the regulations governing the recruitment of civilian workers for military agencies or units, penalties are laid down for any officials or other persons who fail to apply the provisions of these Acts or regulations.

Reasons for Non-ratification.

On 11 March 1937 the Parliament decided that ratification of this Convention should be postponed until a later date. No details about this decision are available because the relevant records were lost during the Second World War. The revision of the existing National Labour Service Act and its enforcement measures is under consideration.

GUATEMALA

Constitution.
Military Code.
Public Order Act.
Penal Code.
Prison Regulations.
Labour Code.

Section 40 of the Constitution states that “ no person shall be subject to bondage or to any other condition that derogates from his personal status ”.

Section 60 of the Labour Code states that a person's right to work may be limited only by a decision of the competent authority in accordance with legislation issued for the public order or in the national interest, that freedom to work shall not be deemed to be restricted when the authorities or private individuals exercise the rights or fulfil the obligations laid down by law and that an employer may not validly transfer his rights under a labour contract without the clear and express consent of the worker concerned.

Section 116 (2) of the Labour Code establishes the right to free choice of work as a fundamental principle.

Labour exacted under military service laws is intended exclusively for work of a purely military character. Nevertheless, with regard to criminal offences section 12 (4) and (5) of the Military Code provides for imprisonment with performance of public works and for imprisonment with manual work in prisons or barracks. This penalty is imposed only by sentence of a military court; the work is performed under the supervision of the authorities and may in no case be carried out for the benefit of private persons.

With the exception of those laid down in the Military Code, the legislation imposes no penalties of forced or compulsory labour.

Penal establishments contain workshops in which convicts may learn a trade or improve their knowledge of a trade, in return for a wage, for the purposes of social rehabilitation.

Section 11 of the Prison Regulations states that the prison governor shall distribute work among convicts and supervise performance, with allowance for the normal trade, abilities and physical constitution of the individual. Such work does not constitute forced labour. Section 65 of the Constitution states that persons held under arrest or sentenced to imprisonment may not be forced to perform work harmful to their health or incompatible with their physical capacity or with human dignity.

Compulsory labour may be exacted only in the event of a public emergency or disaster. The Public Order Act states that during such a period of emergency the Government may order the occupation of undertakings and the direction of workers in order to ensure uninterrupted provision of essential services, or may require the

assistance of private persons, irrespective of their status or occupation, in order to ensure the operation of public services. The Government has similar powers during a period of public disaster. The above-mentioned provisions may be applied only in the event of invasion, serious disturbance of the peace, proven activities directed against national security and public disaster.

Municipal authorities are not empowered to impose compulsory communal labour.

There is no possibility of using any of the forms of forced labour defined by Article 1 and by Article 2, paragraph 1, of the Convention.

The Constitution and the Penal Code lay down penalties for any abuse by officials or private persons in applying the provisions of the law.

Sections 272 and 276 of the Penal Code state that the offence of abuse of powers against private persons shall apply if any prison governor imposes undue privation on persons detained or uses unnecessary severity, or if a public servant acting in the exercise of his duty commits any unjust act or brings unlawful or unnecessary pressure to bear in discharging his functions.

No amendment has been made to the national legislation in order to implement the provisions of the Convention.

The Ministry of Labour and Social Welfare is studying the Convention, which will be submitted to the legislature for ratification.

IRAQ

Constitution (article 11).

Forced labour is prohibited in accordance with article 11 of the Constitution, and is completely unknown in Iraq.

The Convention and Recommendations No. 35 and No. 36 will be submitted to the competent Ministries for consideration.

LUXEMBOURG

The Government has just finished drafting legislation to ratify Conventions Nos. 29 and 105. It will be submitted to the legislature at the beginning of the next parliamentary session, which opens on 7 November, 1961.

The Constitution of Luxembourg prohibits all forced labour and all indirect compulsion to labour.

PHILIPPINES

Act No. 2071, of 7 August 1911, prohibiting slavery, involuntary servitude, etc., as extended by Acts No. 2300 of 28 November 1913 and No. 2399 of 27 March 1914.

Philippine Autonomy Act—Act of United States Congress dated 29 August 1916.

Constitution of the Philippines: Article III—Bill of Rights.

Commonwealth Act No. 444 of 3 June 1939 (Eight-Hour Labour Law).

Republic Act No. 1190 of 8 August 1954 (Civil Defense Act).

Revised Penal Code (Title Nine, Chapter I, section III, articles 272-274).

The Philippine Autonomy Act provides in section 3, paragraph 2, that slavery shall not exist in the Philippine Islands and that involuntary servitude shall not exist therein except as a punishment for a crime whereof the party shall have been duly convicted. Under Act No. 2071 (as extended by Acts Nos. 2300 and 2399) it is unlawful to hold any person in slavery or involuntary servitude, or to deliver to

another person any person to be held in such condition; to compel another person against his will to render labour or services in payment of a debt, and to accept labour or services for such purpose under such compulsion with knowledge of that fact; and to sell, buy or barter any human being or cause any human being to be sold, bought or bartered.

All work or service exacted in virtue of compulsory military service laws is of a purely military character.

Persons duly convicted may be put to work under special rules and regulations and strict supervision, sharing in a certain percentage of the profits made on goods they have produced. Commonwealth Act No. 444 provides (section 3) that work may be performed beyond eight hours a day in case of actual or impending emergencies caused by serious accidents, fire, flood, epidemic, etc., and also in case of urgent work to be performed on machines, equipment or installations in order to avoid a serious delay which the employer might otherwise suffer, or in some other similar just cause. In all such cases labourers and employees are entitled to receive compensation for the overtime work performed at the same rate as their regular wages or salary plus at least 25 per cent. The President is authorised under the provisions of the Civil Defence Act (section 5) to promulgate extraordinary rules and regulations to deal with situations proclaimed as national emergencies by Congress. "Minor communal service" may be exacted under Executive Order No. 156 for purposes of community development.

Since the requirements of Convention No. 29 are met by Philippine legislation far older than the Convention itself, ratification would be merely a matter of routine and no further measures need be adopted to give effect to the provisions of the Convention.

REPUBLIC OF SOUTH AFRICA

Defence Act, 1957.

Prisons Act, 1959.

All work exacted under the terms of the Defence Act is of a purely military character, except as provided in the Act, whereby the Defence Force or Reserve may be called upon to render service in the preservation of life, health or property and in the maintenance of essential services.

Prison labour is governed by the Department of Prisons. A limited number of prisoners, surplus to state demands, is made available to private persons or organisations under supervision of the Department of Prisons. There is also a parole system whereby prisoners are released to work outside on conditions similar to those of free labourers.

The system of minor communal services is still practised by Bantu tribes. The Bantu are interdependent and responsible for each other. The chief holds certain lands which the tribe is expected to cultivate, and any tribesman who fails to assist in cultivation is liable to tribal sanction.

A free "labour system" is also observed in certain Bantu areas for communal projects such as dam building, clearing of watercourses, etc. These projects are decided on by the tribe and the performance of such labour is a duty for all tribesmen. There are tribal sanctions for disobedience. The Government does not favour the system and encourages tribes to replace it with paid labour.

A person who exacts forced or compulsory labour is guilty of a common law offence.

Only first offenders are selected for private work, and the Government feels that this system is not repugnant to a penal system which seeks to rehabilitate the prisoner.

TUNISIA

Legislation on the organisation of the country in time of war and on military service:

Decree of 29 September 1938 (*Journal officiel (J.O.)*, 30 September 1938).

Order of 21 December 1942 (*J.O.*, 27 December 1942).

Order of 25 February 1943 (*J.O.*, 4 March 1943).

Decree of 10 January 1957 (*J.O.*, 22 January 1957).

Legislation on work in prisons:

Tunisian Penal Code, articles 10 and 13.

Decree of 26 October 1891 (*J.O.*, 12 November 1891).

Decree of 17 December 1942 (*J.O.*, 24 December 1942).

Legislation on forced labour in emergencies and disasters:

Decree of 14 February 1916 (*J.O.*, 19 February 1916).

Act No. 59-96 of 20 August 1959, article 91 (*J.O.* 25-28 August 1959).

The end of section 4 of the legislative decree of 10 January 1957 strictly forbids the assignment of troops for other than military work. In time of war, nationals of an enemy country may be required to do forced labour as civilians organised in labour units.

Manual work by persons serving sentences is required under the Tunisian Penal Code (persons sentenced to forced labour, section 10, or to imprisonment, section 13) with the threefold aim of reforming persons under detention, improving their lot while they are serving their sentences and refunding part of their maintenance cost to the State. Penal labour may be used (*a*) for general service in prisons (maintenance, baking, etc.); (*b*) by private enterprises within prisons (making articles), or in outside workshops; or (*c*) in the prison at Djougar, a government farming estate, when the term of imprisonment is less than a year.

In practice the use of penal labour in outside workshops has been discontinued since 1951.

The exaction of services from individuals is prescribed as a means of preventing disasters such as invasions by insect pests or vegetable parasites, forest fires, etc.

TURKEY

Constitution of 1961 (article 42).

Code of Obligations (sections 1 and 29).

Law concerning locust control.

Law concerning the extermination of harmful animals.

Law concerning measures to be taken against calamities threatening community life.

Law concerning measures to be taken before and after earthquakes.

Law concerning protection against overflowing waters and floods.

Law concerning the clearing away of small streams becoming harmful owing to floods.

Village Law.

Law concerning anti-malaria action.

Forced or compulsory labour is prohibited under section 42 of the Constitution and sections 1 and 29 of the Code of Obligations. Contracts concluded either by private persons or public authorities under force used by one of the parties, or even by a third person, are null and void according to the Code of Obligations.

Forced or compulsory labour is exacted under certain laws and regulations, but within the limits of exceptions allowed by Article 2, paragraph 2, of the Convention. Compulsory work imposed by these laws concerns only situations involving the national interest or the collective interests of a community.

Under these laws only males between the ages of 15 and 65 may be employed for such work. Persons employed under the said laws are under the supervision of the

administrative authorities. They are not placed at the disposal of private individuals, companies or associations at all, and they are paid wages for their services.

All work exacted in virtue of compulsory military service laws, or any service so exacted, is of a purely military character, as provided for in the Convention.

Prison labour may be exacted only as a consequence of convictions imposed by courts of law. Those who do such work are under the supervision of public authorities and they are not placed at the disposal of private individuals, companies or associations at all.

The Government states that there is no need to make any changes in the national legislation with a view to giving effect to the provisions of the Convention since no recourse is had to forced labour in any of the forms prohibited by the Convention.

There are no difficulties which may prevent the ratification of the Convention. Ratification has been delayed because the Government wished to ratify Convention No. 105 first. Measures will soon be taken as regards the formalities for the ratification of Convention No. 29.

UNITED STATES

Federal Legislation.

Constitution (Thirteenth Amendment).

Anti-peonage Act of 1867 (United States Code, Title 8, section 56; United States Code, Title 18, sections 1581, 1585 [1948 ed.]).

Alaska Statehood Act (Public Law 85-508, 7 July 1958, 72 Stat. 339, as amended).

Hawaii Statehood Act (Public Law 86-3, 18 March 1959, 73 Stat. 4).

State and Territorial Legislation.

Alabama.

Code (1958), Constitution, article 1, section 32.

Arizona.

Revised Statutes Annotated (1956), article 2, sections 1, 18.

Arkansas.

Statutes Annotated (1947), Constitution, article 2, section 27.

California.

Constitution Annotated (Treadwell) (1931), article 1, sections 3, 15, 18.

Colorado

Statutes Annotated (1953), 77-9-1; Constitution, article 2, sections 12, 26.

Florida.

Statutes Annotated (1944), Title 25, Constitution, Declaration of Rights, sections 16, 19.

Georgia.

Code (1933) Constitution, sections 2-117, 2-121.

Hawaii.

Revised Laws (1955), sections 83-87.

Idaho.

Code (1949), Constitution, article 15.

Illinois.

Smith Hurd Annotated Statutes, Constitution, article II, section 5.

Indiana.

Statutes (Burns), Constitution, article 1, sections 22, 37.

Iowa.

Code Annotated (1949), Constitution, article 1, sections 19, 23.

Kansas.

General Statutes of Kansas Annotated (1947), Constitution, Bill of Rights, article 6.

Kentucky.

Revised Statutes (1956), Constitution, Bill of Rights, sections 18, 25.

Maryland.

Annotated Code (Flack) (1957), Constitution, Declaration of Rights, article 24.

Michigan.

Compiled Laws (1948), Constitution, article 2, section 8.

Minnesota.

Statutes Annotated (1946), Constitution, article 1, section 12.

Mississippi.

Code Annotated (1942), Constitution, article 3, sections 15, 30.

Missouri.

Vernon's Annotated Statutes, Constitution, article 2, sections 16, 31.

Montana.

Revised Code (1947), Constitution, article 3, sections 12, 28.

Nebraska.

Revised Statutes (1943), Constitution, article 1, sections 2, 20.

Nevada.

Revised Laws (1957), Constitution, article 1, section 17.

New Jersey.

Statutes Annotated, Constitution, article 1, section 17.

New Mexico.

Statutes Annotated (1953), Constitution, article II, section 21,

North Carolina.

General Statutes (1955), Constitution, article 1, sections 16, 33.

North Dakota.

General Statutes (1955), Constitution, article 1, sections 15, 17.

Ohio.

Page's Revised Code Annotated (1953), Constitution, article 1, sections 6, 15.

Oklahoma.

Statutes Annotated, Constitution, article 2, section 13.

Oregon.

Revised Statutes, Constitution, article 1, sections 19, 34.

Pennsylvania.

Statutes Annotated, Constitution, article 1, section 16.

Rhode Island.

General Laws (1956), Constitution, article 1, section 4.

South Carolina.

Code (1952), Constitution, article I, section 24.

South Dakota.

Code (1939), Constitution, article VI, section 15.

Tennessee.

Code Annotated (1956), Constitution, article I, sections 18, 21, 33.

Texas.

Vernon's Texas Constitution Annotated (1955), article 1, section 18.

Utah.

Code Annotated (1953), Constitution, article 1, sections 16, 21.

Vermont.

Statutes Annotated (1958), Constitution, Chapter I, article 1.

Washington.

Revised Code (1952), Constitution, article 1, section 17.

Wisconsin.

Statutes (1957), Constitution, article 1, sections 2, 16.

Wyoming.

Statutes (1957), Constitution, article 1, section 6.

American Samoa.

Constitution, article 1, section 10.

Canal Zone.

Code, Title I, section 1 (*g*).

Guam.

United States Code, Title 48, section 1421*b* (*i*).

Puerto Rico.

United States Code, Title 48, section 731*d*, note.

Virgin Islands.

United States Code, Title 48, section 1406g.

Trust Territory of the Pacific Islands.

Code, section 2.

In addition to the information given in its present report, the Government refers to the report it submitted in 1950.

In its 1950 report the Government indicated that forced and compulsory labour within the meaning of the Convention was prohibited under the Thirteenth Amendment to the Constitution of the United States, which provides that neither slavery nor involuntary servitude, except as a punishment for a crime whereof the parties shall have been duly convicted, shall exist within the United States or in any place subject to its jurisdiction. The Supreme Court has held that this prohibition is operative not only in the constituent states and in the District of Columbia, but in the non-metropolitan territories of the United States as well.

According to the earlier report, the Anti-peonage Act of 1867, applicable in territories and possessions as well as in the constituent states of the United States, declares null and void all laws or usages of any territory or state which have heretofore established or enforced or by virtue of which any attempt shall be made to establish or enforce, directly or indirectly, the voluntary or involuntary service or labour of any persons as peons, in liquidation of debt or otherwise. The Act expressly prohibits the holding of any person to a condition of compulsory service or labour in liquidation of any debt. A subsequent Supreme Court decision confirms that compulsion of service for discharge of debt is illegal, even if the service was voluntarily contracted for.

Penal labour is prohibited by law and practice in the states and possessions and in the Trust Territory of the Pacific Islands. In some states fire services and certain officials may call upon able-bodied men to help fight fires. A number of states have legislation—the territories and possessions do not—providing that able-bodied persons may be required to work on the public roads for a limited number of days, generally less than two weeks per year, and upon refusing may be subject to fine or imprisonment. Forced or compulsory labour is not required by chiefs in the Trust Territory of the Pacific Islands.

The only provision which is not in full conformity with the Convention is that included in the laws of Hawaii which provides that the prisoners of county jails may be employed by charitable institutions provided that a specially appointed official gives his consent.

The United States at this time has not undertaken to act upon Conventions and Recommendations adopted by the International Labour Organisation prior to its entry to membership.

ABOLITION OF FORCED LABOUR CONVENTION, 1957 (No. 105)

BOLIVIA

Decree of 23 August 1943 laying down regulations under the General Labour Act.

There is no forced labour in Bolivia in any aspect whatsoever or in any of the forms referred to in paragraphs (a) to (e) of Article 1 of the Convention.

Section 5 of the Decree of 23 August 1943 states that "the individual labour contract shall have legal force, provided that its clauses shall not imply that the worker thereby renounces rights recognised by legislative provision or collective agreement".

Thus, persons providing their services are not forced to perform any work other than that specified in the contract and subject to the conditions laid down.

BRAZIL

Section 141 (2) of the Constitution of 1946 provides that "no one may be obliged to perform or refrain from any act except by virtue of the law".

Since there is no law in Brazil defining or authorising compulsory or forced labour, none of the conditions set forth in the various paragraphs of Article 1 of the Convention is applicable to this country.

The penalties for the unlawful exaction of forced labour are set forth in sections 146, 197 and 198 of the Penal Code. If this offence is committed by a public official, that fact is an aggravating circumstance under section 44 (h) of the Penal Code.

BURMA

Section 19 of the Union Constitution provides that "(i) traffic in human beings and (ii) forced labour in any form and involuntary servitude, except as a punishment for crime where the party shall have been duly convicted, shall be prohibited. Nothing in this section shall prevent the State from imposing compulsory service for public purpose without any discrimination on grounds of birth, race, religion or class."

Under section 374 of the Penal Code, "whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment . . . or with fine or with both".

Forced labour as described in Article 1 (a) to (c) is not practised.

The possibility of ratification will be examined.

The provisions of the Convention are regarded as appropriate for federal action.

BYELORUSSIA

Constitution of the Byelorussian S.S.R.
Labour Code of the Byelorussian S.S.R.
Penal Code of the Byelorussian S.S.R.

Byelorussia did away with forced or compulsory labour in all its forms once and for all when it abolished the private ownership of the means of production and put an end to the exploitation of man by man.

The Constitution of Byelorussia acknowledges that every citizen has the right to work and to receive a wage proportionate to his output and the quality of his work. Byelorussia applies the socialist principle, from each according to his capacity, to each according to his labour.

Workers in Byelorussia have complete freedom to choose their occupation according to their own desire. They are helped by the system of free general and specialised education in Byelorussia and by the various forms of occupational and technical training.

The laws of Byelorussia guarantee that workers can in fact work in any undertakings and in any institutions according to their own wish and without compulsion.

Byelorussia does not resort to forced labour "as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system". It does not resort to forced labour "as a method of mobilising and using labour for purposes of economic development". Workers in Byelorussia may decide freely to take up or to change their employment.

In Byelorussia no recourse may be had to forced labour "as a means of labour discipline" or "as a punishment for having participated in strikes"; nor may forced labour be resorted to "as a means of racial, social, national or religious discrimination". The Constitution of Byelorussia (section 98) guarantees to all citizens without distinction of national or racial allegiance equal rights in all fields of economic, public, cultural and social-political life.

CAMEROUN

Act No. 52-1322 of 15 December 1952, to promulgate the Labour Code.

Section 2 of the Labour Code strictly forbids forced or compulsory labour and section 228 provides that any infringement of these provisions is punishable with a term of imprisonment (of from six days to three months) and with a fine (2,000 to 20,000 francs) or with only one of these penalties. For a repeated offence such penalties are doubled.

No action appears to be necessary, since the existing legislation applies the Convention.

The Convention has not yet been ratified because a Bill is now under consideration for introducing compulsory civic service, which is a vital need for the country.

CEYLON

Abolition of Slavery Ordinance, No. 20 of 1844 (Cap. 62 of the *Legislative Enactments*).

Penal Code (Cap. 15 of the *Legislative Enactments*) (sections 333 to 339, 361, 483, 486 and 487).

Industrial Disputes Act, No. 43 of 16 December 1950, section 43 (*L.S.*¹ 1950—Cey. 1).

Forced or compulsory labour may be exacted only as a punishment for having participated in illegal strikes. Under section 43 (1) of the Industrial Disputes Act of 1950, every person staging illegal strikes shall be liable to a fine not exceeding 500

¹ Throughout this summary the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

rupees or to imprisonment not exceeding six months or to both such fine and imprisonment. Persons sentenced to simple imprisonment are employed on light forms of prison domestic services such as sweeping, gardening, etc., and persons sentenced to rigorous imprisonment are employed on agricultural and industrial activities such as tailoring, matmaking, weaving and printing.

Where any person is wrongly confined or an attempt is made to exact forced labour, an application can be made on his behalf to the Supreme Court.

By the Abolition of Slavery Ordinance, slavery was abolished and all persons were declared to be entitled in every way to all the rights and privileges of free persons. In addition, section 361 of the Penal Code provides that whoever detains against his will any person as a slave shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to a fine. Sections 333 to 339 of the Code make it an offence, punishable with imprisonment for a term extending to three years and a fine, for whoever wrongly confines any person. Further, section 483 provides that whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested with the intent, for instance, to cause that person to do any act which he is not legally bound to do, as a means of avoiding the execution of such threat, commits criminal intimidation. This is punishable with imprisonment which may extend from two to seven years and with a fine (sections 486 and 487 of the Penal Code).

The report states that Ceylon is not in a position to ratify the Convention since there is provision in the Industrial Disputes Act to sentence a person who stages an illegal strike to imprisonment which involves forced or compulsory labour.

CHILE

There are no laws or regulations concerning the subjects dealt with in the Convention, nor is forced labour provided for as punishment in the cases set forth in Article 1 of the Convention.

There has been no need to amend national law or practice, since there are no provisions in Chile which apply forced or compulsory labour as a form of punishment.

Ratification of the Convention has been proposed to the National Congress, as the competent authority.

ECUADOR

The Government, acting through the Ministry of Social Welfare, has instructed the Chancellery to request the Congress of the Republic to approve this Convention, for the following reasons.

The freedom of the individual and respect for the human personality are basic principles underlying constitutional and fundamental rights in Ecuador.

Section 170 of the Constitution states: "Subject to individual age, sex, health, etc., and within the limits of free choice, work shall be compulsory for all members of the community of Ecuador." Section 161 states: "No contract whatsoever shall be valid in which one person is placed at the disposal of another in an absolute and undefined manner; nor shall the laws establish conditions alien to human dignity." Section 187 (10) states: "No person shall be required to provide free or unremunerated services not imposed by law, except in cases of emergency or where immediate help is necessary. Except for such cases, no person shall be compelled to work otherwise than under a contract and for the appropriate remuneration."

Section 3 of the Labour Code states: "A worker shall be free to devote his efforts to whatever lawful activity he chooses, and shall not be compelled to provide services

without his consent except in the cases specified in law. All workers shall be remunerated."

Persons refusing to comply with the obligation stated in section 170 of the Constitution may be compelled to do so under sections 115, 122, 255 (4) and (5), 77, 80, 172, 239 and 400 of the Labour Code and 359 of the Penal Code.

Bodies corporate established in accordance with the law (sections 583, 588, 589 and 598 of the Civil Code and section 363 (7) of the Labour Code) may, subject to penalty in the case of abuse of this right, compel their members to perform certain services, which are generally unremunerated. This situation may also occur at the level of the municipality, in accordance with the provisions of its by-laws and subject to the decision of the local council (sections 6 and 17 of the Municipalities Act).

There is no form of forced labour imposed as a levy.

Compulsory military service, normal civic obligations such as service as district or provincial councillor or as a member of an electoral college, the fire brigade, emergency work demanded in emergencies (section 67 of the Labour Code), work performed by convicts (sections 53, 54 and 57 of the Penal Code) and minor communal services (sections 6 and 17 of the Municipalities Act), within the limits established by law, are aspects of national life, but are never used for the benefit of an individual or a body corporate.

Section 185 of the Penal Code states that any person representing a political, civil, ecclesiastic or military authority and demanding services not imposed by law and forcing persons to work without prior consent shall be liable to imprisonment for not less than one nor more than six months.

The provisions of the Convention, like those of all national laws, are applied under the supervision of the administrative and judicial authorities and through the labour inspection service, which ensures that conditions of human dignity are respected in labour-management relations. Violation of the provisions of the Convention is subject to official prosecution.

It may thus be seen that in Ecuador forced or compulsory labour as defined in Article 1 of the Convention has been totally abolished.

GREECE

Section 4 of the Constitution.

Law No. 2079 of 1952, to ratify the Forced Labour Convention, 1930 (No. 29) (*Ephemeris tes Kyberneseos*, No. 108, Part I, 52).

Greek legislation contains no provisions contrary to those of Articles 1 and 2 of the Convention, and compulsory labour has never existed in the country.

The National Consultative Council on Social Policy has recently declared in favour of the ratification of the Convention.

GUINEA

Section 3 of the Labour Code states: "Forced or compulsory labour is strictly forbidden. The term 'forced or compulsory labour' designates any work or service demanded of an individual under the threat of any penalty and for which that individual has not freely offered himself."

Since effective measures have been taken by the Government of Guinea to abolish forced or compulsory labour completely throughout the Republic of Guinea, Recommendations Nos. 35 and 36 and Convention No. 105 do not apply.

HUNGARY

Section 1 of Law No. XIX of 1946 repealed all regulations under which certain workers could be compelled by direct administrative means to take up or remain in employment based on a contract in private law or to carry out work specified in such a contract, while section 14 of the Labour Code and section 18 of the regulations applying it stipulate that employment shall be based on mutual consent.

Under subsection 2 of section 12 of Decree No. 40 issued by the Council of Ministers in 1951, any person who resorts to constraint to recruit labour commits an offence punishable with a term of imprisonment of up to two years.

INDIA

Constitution (L.S. 1949—Ind. 1).
Third Five-Year Plan.

Action in respect of the provisions of this Convention may be taken both by the Union (Central) and state Governments, subject to the fundamental rights and directive principles of state policy embodied in the Constitution. The general policy is laid down by the Central Government; the implementation of the policy, co-ordinated at the national level, is the responsibility of the state governments, except in the case of territories directly administered by the Central Government.

Article 23 (1) of the Constitution prohibits *begar*¹ and other forms of forced labour, but under article 23 (2) the State may impose compulsory service for public purposes. The exaction of forced labour within the meaning of the Convention is not permitted in India, except in connection with certain forms of economic development. On the rare occasions when the Government has recourse to the compulsory requisition of labour for such purposes, it does so with no intention of forcing people to work without wages. Workers employed in villages under the rural works programme envisaged in the draft third five-year plan will be paid at village rates.

As the Indian Government delegate pointed out in the Committee on Forced Labour at the 40th Session of the International Labour Conference, the wording of Article 1 (b) of the Convention does not accommodate the special case in which emergency circumstances might compel a government to have recourse to compulsory labour for purposes of economic development. With the wording as it is, the Government proposes to wait until the third five-year plan is finalised and to watch the progress of implementation before reviewing the question of ratification of the Convention.

ITALY

Constitution, especially sections 4, 23, 35, 39, 40 and 41.
Sections 600 to 607 of the Penal Code.

Law No. 274 of 29 January 1934, giving effect to the Forced Labour Convention, 1930 (No. 29).

Act. No. 848 of 4 August 1955, giving effect to the Rome Convention, signed on 4 November 1950, for the protection of human rights.

Act No. 1304 of 20 December 1957, giving effect to the Supplementary Convention of 1956 on the Abolition of Slavery.

The Constitution forbids recourse to forced or compulsory labour on the terms mentioned in Article 1 of the Convention. The laws of the country could not contain provisions to the contrary without incurring the charge of unconstitutionality. The Penal Code (sections 600 to 607) punishes offences concerned with an individual's

¹ Work performed for the landowner's benefit.

being deprived of his liberty by another (the circumstances being aggravated in the case of an official).

The Convention is in the course of ratification; a Bill on the subject is now being considered by the authorities.

IVORY COAST

Section 2 of the Labour Code of 15 December 1952 strictly forbids forced or compulsory labour. Section 228 of the Code provides that any persons infringing the provisions of section 2 shall be liable to fines and imprisonment which may be cumulative (from six days to three months and from one to six months in the case of repeated offences). Officials who commit an offence may be dismissed.

Owing to the strict prohibition of forced labour under the Code, it has not been thought necessary either to modify the law or custom of the country or to adopt new legislative measures to give effect to the Convention.

JAPAN

The Japanese Government believes that, under the existing system for the passing and execution of sentences in Japan, "labour imposed as a result of a decision by the court", that is "penal servitude", is not "forced labour" within the terms of the Convention. With regard to the possibility of ratifying this Convention, the issue whether penal servitude in Japan is a form of forced labour should be clarified.

It is considered that, if it is made clear that penal servitude in Japan does not constitute "forced labour", the possibility of the Convention's ratification by Japan would be substantially increased.

The contention that penal servitude is not a form of forced labour is supported by—

(1) Sections 31, 32, 34, 37 and 39 of the Constitution of Japan, which guarantee the fundamental human rights. In addition to these provisions, human rights are protected in the course of legal proceedings by the Criminal Procedure Codes and related laws and regulations.

(2) Section 18 of the Constitution provides that "no person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited." Moreover, section 5 of the Labour Standards Law states that "the employer shall not force workers to work against their will by means of violence, intimidation, imprisonment, or any other unfair restraint on the mental or physical freedom of the workers". Section 117 of the same law provides that a person who violates the provisions of section 5 shall be liable to certain penalties.

Whenever a sentence of imprisonment with forced labour is pronounced under the judicial procedure mentioned above, the Ministry of Justice is responsible for executing the sentence. Such imprisonment with forced labour consists of confinement in prison and performance of forced labour (section 12 (2) of the Criminal Law). In December 1960 the number of prisoners under sentence of penal servitude was 60,933. Labour imposed upon such prisoners takes into consideration their health, ability, occupation and future life, etc., and in the case of young prisoners (under 18 years of age), their education. The work is divided into four groups, heavy, somewhat heavy, medium and light; the work assigned is to be suitable to the prisoner's health and determines the amount of food he is to be given.

All prisoners are subjected to scientific examination of their personalities, mental state, careers, education and other personal circumstances. The kind of prison labour and other treatment plans to execute the penalty are decided in the light of the results of these examinations.

At present the prescribed working hours are eight a day and 48 a week, excluding breaks. Inmates who are engaged in prison labour may be granted reward money for their work on the basis of good conduct, character, and the kind of work done and the result achieved by it. In 1960 the average monthly reward for a prisoner was 236 yens and the highest 1,990 yens.

If an inmate is wounded or falls ill on account of prison labour and consequently dies or becomes unable to carry on any gainful occupation, he may be granted compensation, according to the circumstances of the case (section 28 of the Prison Law). The amount of compensation is prescribed to be not more than 30,000 yens in case of death and 36,000 yens in case of injuries or illness.

Vocational training similar to that given under the general public vocational training is provided for prisoners who have some ability with a view to enabling them to qualify for skilled occupations.

There is no legal difference between labour outside prisons and labour inside prisons, except that while the latter is performed inside the premises of the prison the former is carried out outside the premises. Only prisoners with good records are allowed to engage in outside work. Such work is mostly of a public nature, and includes work on the development of electric power resources, work on embankments, etc. The income from this outside work amounts to over 3 per cent. of the total income of prison labour.

One of the purposes of prison labour in Japan is to provide the inmates with organised vocational training with a view to rehabilitation. Another purpose is to help meet prison expenses.

It should also be borne in mind that, unless sentenced to imprisonment with penal servitude, prisoners are not obliged to perform prison labour unless they apply to do so (section 13 of the Penal Code; section 26 of the Prison Law). The working conditions of a prisoner who voluntarily applies to work are the same as those of prisoners sentenced to imprisonment with forced labour, except that (a) the kind and amount of the work are decided by agreement with the applicant; (b) leave or discontinuance of work or alteration of the kind of work may be allowed subject to due reason (section 64 of the Prison Law Enforcement Regulations); and (c) the working hours of such a prisoner may be made not more than two hours shorter than the ordinary ones.

From the above observations it is clear that forced labour (a) as a method of mobilising and using labour for purposes of economic development, (b) as a means of labour discipline, or (c) as a means of racial, social, national or religious discrimination, does not exist in Japan.

LUXEMBOURG

See under Convention No. 29.

MALI

Constitution of the Republic of Mali.

Act of 11 April 1946.

Labour Code of 15 December 1952.

Decree of 12 August 1937 promulgating the Forced Labour Convention, 1930 (No. 29).

The preamble to the Constitution states: "Labour is a duty for every citizen, but no person may be compelled to engage in any particular work, save in the case of exceptional service in the public interest which applies equally to all under conditions laid down by law." Service in the public interest accords with the exceptions mentioned in subparagraphs (a), (c), (d) and (e) of Article 2 of Convention No. 29.

Moreover, section 1 of the Act of 11 April 1946 and section 2 of the Labour Code strictly forbid forced or compulsory labour and penalties are specified in section 228 of the Code. The definition of forced labour is that used in Convention No. 29.

MAURITANIA

The prohibition of forced or compulsory labour arises from the Act of 11 April 1946, which also prohibits the mobilisation of labour, and from section 2 of the Labour Code (Act of 15 December 1952). The penalties sanctioning this prohibition are the same for officials or private individuals, being fixed by section 228 of the Labour Code at a fine (3,000 to 30,000 francs) and a term of imprisonment of from six days to three months.

No new measures are contemplated since existing legislation is in accordance with the Convention, the application of which raises no difficulty. The Government, moreover, is proposing to ratify the Convention in the near future.

MOROCCO

There are no laws or regulations authorising forced or compulsory labour in the sense of Article 1 of the Convention. The Penal Code provides penalties of from two to five years' imprisonment for officials who misuse their authority, especially in the employment of convict labour for work other than public utility work that has been ordered by the Government or recognised as urgent in the national interest.

No provisions exist to prevent unlawful exaction of forced or compulsory labour by an individual or a corporate body; should such a course of action be followed, however, it would be accompanied by acts of violence or threats, which come within the scope of the penal laws.

Since both the law of the land and national practice appear to be in accordance with the Convention, there would seem to be nothing to prevent its ratification.

NEW ZEALAND

Crimes Act, 1908 (sections 118 and 119).

Police Offences Act, 1927 (section 26).

Public Safety Conservation Act, 1932 (sections 2 and 3), as amended in 1960.

Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z.1).

Penal Institutions Act, 1954.

Article 1 of the Convention. (a) Section 20 of the Penal Institutions Act of 1954 provides that every inmate not awaiting trial or on remand shall be employed in such work as is directed by the superintendent of the institution. Although all work required to be done by prisoners is in a sense forced or compulsory, it would seem that work imposed as a normal incident of a sentence of imprisonment applicable impartially for offences generally is not to be regarded as forced or compulsory labour for purposes of the Convention.

(b) Everyone is liable to two years' imprisonment who speaks any seditious words, publishes any seditious libel or is a party to any seditious conspiracy, as provided in the Crimes Act, 1908 (section 119). In section 118 of this Act a distinction is made between seditious intent (an intention "to bring into hatred or contempt or to excite disaffection against . . . the Government or Constitution of the United Kingdom", etc.) and an intention in good faith to point out defects in the laws and practices of the Government.

(c) Use of forced or compulsory labour by the State for purposes of economic development or as a means of labour discipline (i.e., disciplinary action for failure to attain work norms) is unknown in New Zealand. When requiring labour for any purpose the Government adopts the methods common to employers in private industry. The most serious disciplinary action taken either by the State or any other employer against any worker for persistent failure to achieve an output regarded as normal, reasonable and acceptable for the job concerned is dismissal (the worker retaining his unimpeded right to take up work with another employer and to seek legal redress for alleged wrongful dismissal).

(d) It is generally recognised that imprisonment for participation in an illegal strike, even though the sentence may be one of imprisonment with hard labour, does not conflict with the intention of the Convention. Subject to this comment, there is no legal or administrative provision in New Zealand authorising the infliction of forced or compulsory labour as a punishment for having participated in a strike. The majority of workers in New Zealand have voluntarily relinquished the right to strike in order to secure the advantages of registration of their unions under the Industrial Conciliation and Arbitration Act, 1954. For a breach of the relevant provisions of that Act nothing more than a monetary penalty may be imposed. In the gas, electric light and water supply industries, regarded as essential in the national interest, the Police Offences Act, 1927 (section 26) provides that persons may not combine to leave their employment without due notice (a minimum of 14 days) under penalty of a fine not exceeding £10 or imprisonment not exceeding one month. Sections 2 and 3 of the Public Safety Conservation Act, 1932, as amended in 1960, authorise the Governor-General to issue a proclamation of emergency in time of peril to the community, and to make all such regulations as he thinks necessary to the maintenance or restoration of public safety and public order. While imprisonment not exceeding three months may be imposed under this Act for participation in illegal strikes if the Government has seen fit to introduce emergency regulations on the subject, the person concerned can only be employed on work in terms of the Penal Institutions Act, 1954.

(e) There is no application in New Zealand of forced labour as a means of effecting discrimination based on racial, social, national, or religious grounds.

Article 2. Since forced or compulsory labour is entirely alien to the territory under the jurisdiction of the New Zealand Government, no special measures are required to be taken to enable the Government to conform with the obligations imposed by Article 2 of the Convention.

Cook Islands.

In several of the islands the local island councils have passed ordinances giving the authorities the right to call upon the islanders to work a set number of days each year on the construction and maintenance of roads, bridges, etc. It is generally recognised that these services are essential to the welfare of the community, and that they are not of the nature of forced or compulsory labour. There is some question, however, whether the ordinances in question conflict with the provisions of the Convention; and until the question is resolved through governmental study or clarification by the Committee of Experts the New Zealand Government does not propose to undertake ratification.

Tokelau Islands.

As far as the Government is aware, there are no legislative provisions which contravene the Convention. Village affairs are managed by the council of elders, comprising representatives of the families, and these councils may call on the village

labour force for hospital and other construction, road work, etc. Since there is nothing forced about either the pace or the way of life of these islanders, however, and since as individuals they willingly participate in community self-aid activities, there would appear to be nothing in the situation to conflict with the provisions of the Convention.

Regarding the prospects for formal application of the Convention, see under *Cook Islands*.

Western Samoa.

Rhinoceros Beetle Ordinance, 1954.
Samoa Village Regulations, 1938.

Now that older legislation respecting the collection of beetles and the rendering of certain other services by Samoans to their chiefs has been modified by the Samoa Village Regulations, 1938, and the Rhinoceros Beetle Ordinance, 1954, there appears to be no provision in this territory that contravenes the requirements of Convention No. 105. Samoans required by custom to work on family lands may freely leave that employment, and individuals or groups performing services of any description may freely terminate those services.

Regarding the prospects for formal application of the Convention, see under *Cook Islands*.

NIGER

Section 2 of the Labour Code (Act of 15 December 1952) states: "Forced or compulsory labour is strictly prohibited" and gives a definition of forced labour. Anyone contravening these provisions is liable to a fine of 2,000 to 20,000 francs or a term of imprisonment of from six days to three months, or both. An official convicted of such an offence may, in addition, be subjected to disciplinary action.

Nevertheless, the question may arise at some time of a national civic service, analogous to the system of military service, to provide young people with occupational and civic training by means of instruction in tasks of national interest.

RUMANIA

The Government states that the fundamental principles of the social and economic system in Rumania are incompatible with the idea of forced or compulsory labour and that consequently no regulation for the abolition of this kind of work can exist.

Under sections 15 and 19 of the Constitution, the State guarantees that every citizen shall enjoy the right to work remunerated according to output and quality. The report indicates that the provisions of Rumanian legislation, based on this principle, are fully in accordance with those of the Convention.

SENEGAL

All Conventions and Recommendations dealing with forced labour have become inapplicable. The Act of 11 April 1946 and the Labour Code (Act of 15 December 1952) strictly prohibit forced labour. Moreover, owing to the economic and social development of the State, the factors which could be considered as constituting indirect compulsion to work are in process of disappearing. The Constitution proclaims liberty for all to move and to establish themselves wherever they wish.

Although there are no results of practical value, the Government has submitted to the National Assembly a Bill to ratify Convention No. 105, in order to supplement the legislation prohibiting all forms of forced labour.

SPAIN

Labour Decree of 9 March 1938.

Employment Contracts Law, Decree of 26 January 1944.

Local Administration Act of 16 December 1950.

Spanish legislation does not authorise the imposition of forced or compulsory labour in any of the cases referred to in paragraphs (a) to (e) of Article 1 of the Convention.

The provision of personal services is traditionally authorised within rural communities only. Under the Local Administration Act such services may be imposed only in cases of budgetary deficit and with the consent of the municipal and fiscal authorities. The possibility of release from such service through cash payment means that it is a form of economic subsidy that may be furnished by way of personal labour, and is therefore not a system of forced labour.

Spanish criminal law does not define any specific offence referring to illegal exaction of forced labour; in view of the indirect connection, however, such cases would be covered by Title XII of the Penal Code of 23 December 1944, referring to offences against freedom and security.

There has been no need to lay down new provisions in national law or practice in order to implement those of the Convention. It is not considered necessary to amend the above-mentioned provisions of the Local Administration Act, since they are traditional in character and any form of misuse is excluded by the manner in which orders under them are made.

REPUBLIC OF SOUTH AFRICA

Suppression of Communism Act, 1950.

Industrial Conciliation Act, 1956.

Native Labour (Settlement of Disputes) Act, 1953.

Article 1, paragraph (a), of the Convention. Forced labour, in the form of prison service, may be exacted on conviction under the Suppression of Communism Act, which is designed to prohibit certain communistic activities. No attempt is made to influence the political opinions of any offender while imprisoned. Nine persons were convicted between 1956 and 1960.

Paragraph (b). The right to strike or lockout has been curtailed by the Industrial Conciliation Act, 1956, and the Native Labour (Settlement of Disputes) Act, 1953. In the great majority of convictions under these Acts, sentences were not in excess of fines of £10 or three weeks' imprisonment.

A person who illegally exacts forced or compulsory labour is guilty of a common law offence.

The Government considers that the above-mentioned legislation is necessary to ensure the security of the State and to maintain industrial peace.

UKRAINE

Constitution of the Ukrainian S.S.R. of 30 January 1937 (revised in 1947).

Labour Code of the Ukrainian S.S.R.

Penal Code of the Ukrainian S.S.R. dated 28 December 1960.

Socialism has put an end to the private ownership of production means and tools in Ukraine and has abolished the exploitation of man by man. The socialist system of economy and the socialist ownership of production means and tools have become the economic basis of the new society as established by law (section 4 of the Constitution).

The Republic applies the socialist principle "from each according to his skill, to each according to his work" (section 12 of the Constitution). This principle reconciles in the best possible way the interests of the individual with those of the community and is a powerful factor in the improvement of labour productivity and hence of the economy and the people's welfare.

The creative work performed in full freedom by the Soviet people has nothing in common with forced labour.

In Ukraine there is true freedom of work, guaranteed by section 98 of the Constitution, which acknowledges the right of each citizen to acquire, according to his aptitudes and tastes, the skill or specialisation needed for a given job and to receive the remuneration appropriate to his productivity and grade.

If Soviet citizens are entitled to work, they are also bound to work, this being one of the fundamental principles of socialism (section 12 of the Constitution).

In a socialist society there is no longer any parasitism; it is a society in which "he who does not work does not eat".

However, the legislation of the Republic does not compel citizens to accept all and any conditions of work without distinction. They work of their own free will in the governmental and co-operative organisations and undertakings and their employment relationships are governed by a contract of work (sections 27 and 28 of the Labour Code).

Contracts of work are also concluded in cases where individuals work for others as domestic employees (house servants, chauffeurs, etc.).

The administration is not empowered to oblige a worker to perform work not related to the job for which he was engaged (section 36 of the Labour Code).

Section 37 of the same Code prohibits the transfer of a worker or employee to another undertaking or from one locality to another without his consent. The Government's report describes in detail the circumstances in which a contract of work may be terminated.

Work in the co-operative associations (kolkhozes) is also performed voluntarily. Under their rules and regulations, agricultural co-operatives are voluntary associations of peasants.

It follows from the above that the workers of Ukraine are free from all forms of forced labour. They are not and cannot be compelled to perform forced labour "as a measure of coercion or political education", since, according to section 3 of the Constitution of the Republic, it is they themselves who exercise all authority in urban and rural areas alike, through the councils of workers' delegates.

The legislation of Ukraine, which expresses the will of the Ukrainian workers and hence protects their rights and interests in the occupational as in the political sphere, does not authorise recourse to forced labour as a punitive measure against persons who hold certain political opinions or manifest their ideological opposition to the established political, social or economic order.

Sections 104 and 105 of the Constitution of Ukraine guarantee citizens many forms of freedom, in particular, freedom of religion, freedom of speech, etc. Needless to say the exercise of these rights must not go so far as to constitute a penal offence, such as propaganda in favour of war, agitation aimed at arousing hate or discord between racial or national groups, these acts being penal offences under section 103 of the Constitution and sections 63 and 66 of the Penal Code.

Since every citizen has an opportunity freely to choose his workplace and the type of work he will perform in the interests of the community, it is out of the question for Ukraine to resort to forced labour "as a means of mobilising and utilising manpower for purposes of economic development".

Nor is it possible to have recourse to forced labour as a means of strengthening labour discipline.

Labour discipline is based primarily on the awareness of the working masses. The measures taken in case of a breach of labour discipline are simply different forms of disciplinary action provided for in the regulations of the undertaking such as: warning, reprimand, censure, assignment to a lower-paid job for not more than three months, or downgrading for the same period.

Neither is it possible to resort to forced labour in Ukraine "as a punishment for taking part in strikes". The economic and political conditions which prevail in the Republic are such that there can be no strikes.

Lastly, forced labour is never resorted to "as a means of racial, social, national or religious discrimination".

Section 103 of the Constitution guarantees absolute equality for all citizens, whatever their nationality or race, in all spheres of economic, political, cultural and social life.

The occupational rights and interests of citizens are protected by Soviet legislation, in particular, by sections 133 and 165 of the Penal Code of Ukraine.

To conclude, forced labour does not exist in Ukraine in any of the forms described in Convention No. 105 and Recommendations Nos. 35 and 36, hence the legislation now in force in the Republic requires no completion or amendment.

U.S.S.R.

Constitution of the U.S.S.R., 1936, and constitutions of the republics in the Union and the independent republics. Labour Code of the R.S.F.S.R. (revised) of 1 May 1936 (*L.S.* 1936—Russ. 1), and amendments dated 31 January 1958 (*L.S.* 1958—U.S.S.R. 1) and labour codes of the other republics in the Union.

Penal Code of the R.S.F.S.R. dated 27 October 1960, which came into force on 1 January 1961, and penal codes of the other republics in the Union.

In accordance with the Constitution of the U.S.S.R. (section 4), the basis of society in the Soviet Union is a system of socialist economy and the social ownership of the means of production. The socialist society is a society of workers.

Soviet legislation specifically prohibits any activity on the part of a private employer and the employment of workers for wages by its citizens for the purpose of gaining profit.

The concentration of means of production in the hands of the workers' society and the fact that the exploitation of man by man has become impossible have radically modified the substance and nature of labour in the U.S.S.R.

The right to work is effectively secured for all Soviet citizens (section 118 of the Constitution). Work is based on the worker's awareness of the need to contribute to the efforts of the nation as a whole and to increase the nation's wealth, as well as to promote the development and welfare of the whole country. This free, creative work can have nothing in common with forced labour.

Soviet labour legislation is based on the right of workers to choose their work freely in accordance with their own desires and aptitudes, their special skills and knowledge. Any limitation of this right is punishable by law (section 7 of the basic penal law of the Soviet Union and the republics in the Union; sections 138 and 170 of the Penal Code of the R.S.F.S.R. and corresponding sections in the penal codes of the other republics in the Union).

Citizens of the U.S.S.R. are guaranteed the opportunity to train in a special occupation and to choose work in accordance with their desires and aptitudes, in particular through the system of compulsory schooling (which lasts eight years in the Soviet Union), the vast network of polytechnic schools, vocational and technical training, the many night schools, etc. Education is free at all levels; the schools use the language of the pupils. Industrial, technical and agronomic training in factories, sovkhozes and kolkhozes is also free of charge.

The socialist society is incompatible with all forms of social parasitism. The Constitution of the U.S.S.R. says (section 12), that work in the U.S.S.R. is an obligation and a privilege for all citizens capable of working, in accordance with the principle "from each according to his skill, to each according to his work".

The Constitution of the U.S.S.R. and the whole of Soviet labour legislation leave the citizen to choose any form of participation in work.

The workers and employees of all undertakings and institutions in the U.S.S.R., whether state owned or organised as co-operatives, perform their work in accordance with their freely expressed wishes and as a result of their having freely offered their services to carry out certain work, without their being subjected to the threat of any penalty whatsoever.

Access to employment is regularised by a freely concluded contract of work. In accordance with section 44 of the Labour Code and corresponding sections in the labour codes of the other republics in the Union, the contract of work may be terminated—(a) by agreement between the parties; (b) on the expiry of the term for which it was concluded; (c) on the completion of the work agreed upon; or (d) on the giving of notice by either party.

In accordance with section 36 of the said Labour Code, an employer may not require an employee to perform any work not connected with the kind of activities for which he was engaged. A wage earner or salaried employee may not be transferred from one kind of work to another which is not expressly provided for in the contract (i.e. work which the worker has not undertaken to perform) unless he agrees to perform such work.

Section 37 of the Labour Code and the corresponding sections of the labour codes of the other republics in the Union provided that a wage earner or salaried employee may not be transferred from one undertaking to another or removed from one locality to another without his consent.

The work performed by members of co-operative unions (kolkhozes) is also carried out on a voluntary basis.

A wage earner or salaried employee may terminate his contract of work at any time subject to two weeks' notice.

Thus, Soviet labour legislation fully guarantees the right of each worker to choose freely the type of work he desires and his place of work.

In this way, workers in the Soviet Union are not acquainted with any form of forced labour, including those listed in Article 1 of the Convention. In particular, workers in the Soviet Union do not perform forced labour "as a measure of coercion or political education", since all power in the U.S.S.R. is in the hands of the workers themselves, whether in rural or urban areas (Constitution of the U.S.S.R., section 3).

Soviet legislation guarantees the political, economic, social and other rights of citizens of the U.S.S.R. and forbids the use of forced labour "as a penalty for persons who hold or express certain political opinions or manifest their ideological opposition to the established political, social or economic order". The citizens of the U.S.S.R. are fully entitled to hold political opinions and to express them. Naturally, the character of such opinions and the manner of expressing them must not incite them to the commission of criminal acts, such as propaganda for war or agitation to incite citizens to hate or racial disputes and other actions of a similar character.

Nor is there any forced labour in the U.S.S.R. "as a method of mobilising and utilising manpower for purposes of economic development".

Nor can forced labour be applied in the U.S.S.R. "as a measure of employment discipline". Employment discipline is based primarily on the conscientious approach of citizens to labour problems. When a breach of labour discipline is committed, the administration of the undertaking or institution may punish the guilty party only by disciplinary action—"reprimand, censure, assignment to work for which the wages are lower for a maximum of three months, and lastly transfer to work of a lower grade for the same period"—while in the case of a particularly serious breach of discipline (for example absence without justification) the worker may be dismissed. Naturally, a worker who has committed a breach of discipline and has been punished for it is entitled to terminate the contract of work on his own accord.

Nor is forced labour applied in the U.S.S.R. "as a punishment for having taken part in strikes". In the Soviet Union, where the power of the State and means of production are in the hands of the workers themselves, there are no economic or political grounds for strikes. There have been no strikes in the U.S.S.R. for many decades in spite of the fact that they are not forbidden by law.

Lastly, forced labour is not used as a "measure of racial, social, national or religious discrimination", since according to section 123 of the U.S.S.R. Constitution "the equal rights of citizens of the U.S.S.R. constitute an immutable principle of law regardless of their nationality or race, in all sectors of economic life, in public life and in cultural life".

"The direct or indirect limitation of citizens' rights as well as the creation of direct or indirect privileges for citizens belonging to a given race or having a given nationality is punishable by law." In accordance with sections 74 and 184 of the Penal Code of the R.S.F.S.R. and the corresponding sections of the penal codes of the other republics in the Union, violations of this equality of rights or any obstruction of the observance of religious rights are punished severely.

Since forced labour does not exist in the U.S.S.R. in any form described in Convention No. 105 and Recommendations Nos. 35 and 36, there are no grounds for introducing special legislation or applying special measures in view of these international documents.

UNITED STATES

Federal Legislation.

Constitution (First, Fifth, Thirteenth and Fourteenth Amendments).

Labour-Management Relations Act of 1947 (*L.S.* 1947—U.S.A. 2).

State Legislation.

See under Convention 29.

The United States has taken the view that the provisions of the Convention are appropriate under its constitutional system, in whole or in part, for action by the constituent states.

Forced and compulsory labour within the meaning of the Convention is expressly prohibited in the Thirteenth Amendment to the Constitution of the United States. Though the constitutional prohibition applies to the several states and to the non-metropolitan territories as well, similar prohibitions appear in all state and territorial codes and constitutions.

The Fifth and Fourteenth Amendments to the United States Constitution guarantee that no person shall be deprived of life, liberty or property without due process of law. The First Amendment demands that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the

freedom of speech, or of the press; or the right of the people to assemble, and to petition the Government for a redress of grievances". In interpreting these provisions the Supreme Court has sustained the power of Congress to discourage those who believe in overthrow of the Government by force or violence from organising and from maintaining or attaining certain prerogatives (positions as union leaders, for instance). The Court has taken pains, however, to avoid impinging on "the traditional rights of Americans to discuss and evaluate ideas without fear of governmental sanction".

The laws and practices of the United States do not embrace any such concept as forced labour as a means of labour discipline or of carrying out the economic plans of the State. This is true not only in the cases of persons not charged with crime, but is specifically written into the laws governing prison industries, which permit prison industries to produce commodities for consumption in prisons themselves or for sale to departments of the Government, but not for sale to the public in competition with private enterprise or free labour.

The right to strike is protected under federal and state law. Under both federal and state law, however, the absolute right to engage in concerted stoppage of work activity may be regulated. Under the Labor-Management Relations Act of 1947, strikes jeopardising the national health, safety, or welfare are subject to injunction. The report also quotes Supreme Court decisions which dealt with the application of the Thirteenth Amendment to strike bans and the power of the states to make participation in strikes criminal, and which upheld this power.

UPPER VOLTA

Act of 11 April 1946 forbidding forced or compulsory labour.
Labour Code of 15 December 1952.

Under existing legislation only individuals sentenced to convict labour by a court decision are subject to compulsory work.

The penalties for exaction of forced labour are those provided for under section 228 of the Labour Code (imprisonment and fine); they apply to both private persons and officials, and to individuals and bodies corporate.

No change has been made in the existing legislation to give effect to the texts mentioned above.

VIET-NAM

Order No. 15 of 8 July 1952, giving effect to the Labour Code.

Section 8 of the Labour Code strictly prohibits forced or compulsory labour, which it defines in terms similar to those of Convention No. 29.

Any person contravening the provisions of that section is liable to imprisonment or a fine (or both) under section 352 of the Code.

Viet-Nam has ratified Convention No. 29. Although existing legislation is in accordance with the provisions of Convention No. 105, the Government intends to make a thorough examination of the existing practice in the various sectors before ratifying the latter Convention.

YUGOSLAVIA

Constitution of the People's Federal Republic of Yugoslavia, dated 31 January 1946 (*Službeni list FNRJ*, No. 16/46).

Constitutional Law respecting the bases of the social and political system of the People's Federal Republic of Yugoslavia and the federal organs of public power, dated 13 January 1953 (*ibid.*, No. 3/53).

Employment Relations Act (as amended), a consolidation of Acts dated 12 December 1957 (*L.S.* 1957—Yug. 2.), 28 June 1958 (*L.S.* 1958—Yug. 1), 28 December 1958 and 1 March 1961 (*Službeni list FNRJ*, No. 17/61).

Association and Public Assembly Act, dated 15 August 1945 (as amended); (*ibid.*, Nos. 65/45 and 51/56).

Act respecting the press and other information media, dated 28 October 1960 (*ibid.*, No. 45/60).

The report indicates that in a general way compulsory or forced labour as such does not exist in Yugoslavia, being incompatible with its democratic political and social system.

Article 1 of the Convention. The Yugoslav Constitution safeguards freedom of religion and religious expression as well as freedom of the press, of speech, of association and of public assembly and freedom to demonstrate (sections 25 and 27 of the Constitution). The Constitutional Law guarantees individual liberty and other human rights as well as free association for the promotion of all joint democratic interests, whether political, social, scientific, cultural or artistic (section 5 of the Constitutional Law). These constitutional principles are also confirmed in other special legislation, such as the Association and Public Assembly Act of 15 August 1945 and the Act of 28 October 1960 respecting the press and other information media.

The last-mentioned Act guarantees freedom of the press and of other information media; under section 3, the publication of information is not subject to prior registration or approval; there is no censorship of the press or other aspects of information, except in the event of mobilisation. The publication and dissemination of information may not be restricted except for the purpose of preventing abuse of freedom of expression, in particular in the cases specifically provided for in the Act, such as the publication of military and economic secrets or other documents of particular importance to the community; the dissemination of alarming news liable to provoke distress among citizens; criminal acts against the people and the State or against the armed forces; propagation of or incitement to aggression or other acts contrary to the aims of the United Nations, etc. (sections 7, 52 and 84 of the Act).

Paragraph (a). In view of the provisions cited above, the fact of expressing a political opinion or manifesting ideological opposition cannot be made a pretext for coercion, political education or any penalties.

Section 54 of the Penal Code, however, provides for forced labour to be performed by persons serving a long sentence of imprisonment or detention, regardless of the nature of their offence (political or criminal).

Consequently, it is only when the expression of a political opinion or ideological opposition partakes of the nature of a criminal offence under section 118 of the Penal Code (that is to say, if it manifests itself in activity directed against the existing political and economic order and particularly through violent acts aimed at the overthrow of this order) that it would be punishable by virtue of a court sentence by a severe sentence of imprisonment or detention comprising forced labour.

Such a penalty, however, may be imposed only for a criminal offence of which the accused has been duly convicted in court. Furthermore such forced labour does not constitute a penalty in itself, that is, it is not intended as coercive political education but on the contrary is a sort of social education which should enable the convicted person, upon expiry of his sentence, to become a useful member of society and to take a normal part in community life. In fact, the work done is useful work. The Penalties Act expressly states that forced labour must consist of useful work, must resemble as closely as possible the same type of work performed by free persons, and must be aimed at enabling convicted persons to maintain and improve their work

skills, working habits and occupational knowledge so as to be better able to pursue a useful life when they are set free (section 16 of the Act).

The work done by such persons is carried out under the supervision of the competent authorities and may not be done on the premises of a private person (sections 49 and 55 of the above-mentioned Act).

The law contains definite provisions concerning the work of convicts and establishes their rights and obligations, which are similar to those arising out of an employment relationship (remuneration established by special prescriptions, holidays, employment injury insurance). Furthermore, convicts who acquire some occupational skill in a penitentiary establishment obtain a certificate attesting to those skills without any mention of the fact that they were acquired in such an establishment.

Paragraph (b). Forced labour may not be used in Yugoslavia as a method of mobilising labour for economic development; this would be incompatible with the Yugoslav social system and with the Constitution which, as mentioned above, safeguards fundamental human rights. The Employment Relationships Act (sections 5 and 6) expressly guarantees freedom to choose one's employment.

Paragraph (c). Forced labour may not be used as a means of labour discipline. The Employment Relationships Act specifies the penalties which may be imposed for a breach of employment discipline. These do not include forced labour in any form.

Paragraph (d). Nor may participation in a strike be punished by forced labour. Moreover, it should be noted that, although Yugoslav law does not forbid strikes, the working class does not find it necessary to resort to strikes to promote its political and economic interests, nor does it find any antagonists against whom it could use such a weapon. The whole economic and political system of Yugoslavia secures the leading role in social life to the working class, and workers' management system is the strongest safeguard of the economic interests of the workers, who are at one and the same time the producers and the managers.

Paragraph (e). As regards forced labour considered as a means of racial, social, national or religious discrimination, it should be noted that under the Constitution and other legislation all citizens enjoy the same civic and political rights in Yugoslavia. The Constitution and the whole of the social and economic system render it impossible for any privilege to be granted by reason of birth, social or financial position or level of education. It is unconstitutional and a punishable offence to grant privileges or restrict citizens' rights because of national, racial or religious differences or to provoke any manifestation of national, racial or religious animosity or discord. Consequently, not only is forced labour prohibited but so is any measure or action giving rise to discrimination among citizens on grounds of their national origin, social position or religious belief.

FORCED LABOUR (INDIRECT COMPULSION) RECOMMENDATION, 1930 (No. 35)

ARGENTINA

The institution of forced labour as referred to in Recommendations Nos. 35 and 36 and in Convention No. 105 does not exist in Argentina. The National Constitution fully guarantees the principles of freedom of labour.

Section 14 of the Constitution provides, *inter alia*, that all members of the national population enjoy the right to work and to carry on any legitimate industry. Section 14 (2) provides that labour in its various forms shall enjoy the protection of the laws, which will ensure for the worker adequate and fair conditions of work, limited working hours, a free and democratic trade union organisation, etc. The trade unions are guaranteed the right to make collective labour agreements, to resort to conciliation and arbitration and the right to strike.

Moreover, section 28 of the Constitution provides that the principles, guarantees and rights acknowledged in preceding sections may not be altered by the laws which regulate their exercise, so that forced labour could not be introduced without violating the fundamental law of the nation.

BOLIVIA

Supreme Decree of 2 August 1953 inaugurating agrarian reforms.

So far from permitting an increase in the number and extent of undertakings, the economic circumstances of the country have brought about a considerable fall in production, the Bolivian authorities being concerned less to resort to indirect methods of imposing work than to create new sources of work enabling the human resources to be fully utilised. For this reason both the Supreme Decree of 2 August 1953, which inaugurated agrarian reforms, and other subsequent provisions contain regulations designed to favour those engaged in agriculture.

An indirect means of imposing work might be inherent in certain police regulations concerning vagrants and suspicious characters. The departmental police forces organise periodical round-ups of vagrants and others without fixed abode, who are taken to rehabilitation farms to be given agricultural work.

There are in Bolivia no restrictions on mobility of labour, either from one occupation to another or from one area to another. Article 6, subsection (*b*), of the Constitution establishes the right to engage in commercial and industrial work under conditions which are not prejudicial to the general welfare.

BRAZIL

Section 141 (2) of the Constitution of 1946 provides that "no one may be obliged to do or refrain from doing anything except by virtue of the law".

Since there is no law in Brazil defining or authorising forced labour as described in Convention No. 29, this Recommendation is not applicable. The "indirect means" referred to under Section II of the Recommendation are prohibited in Brazil under paragraphs 1 and 34 of section 141 of the Constitution.

With regard to subparagraph (b) of Section II of the Recommendation, section 156 of the Constitution provides that "the law shall facilitate the settlement of rural areas by drawing up colonisation plans and plans for the utilisation of public lands". Moreover, "any person who, not being an owner of rural or urban property, occupies a plot of land not exceeding 25 hectares in area during a period of ten consecutive years without opposition being made or another's claim being recognised, renders the said land productive by his own labour and resides on the said land, shall be granted the title thereto in the form of a certified copy of a declaratory judgment".

BURMA

Since Burma has ratified Convention No. 29 and this Recommendation is to serve as a supplement thereto, the government authorities will be consulted in due course as to the desirability of formally accepting it. At present there are no legislative or administrative provisions relating to the matters dealt with therein.

The provisions of the Recommendation are regarded as appropriate for federal action.

BYELORUSSIA

See under Convention No. 105.

CAMEROUN

See under Convention No. 105.

CANADA

The subject-matter of the Recommendation is considered to have no application in Canada. (See under Convention No. 29.)

CEYLON

The report states that forced or indirect compulsion to labour does not exist in Ceylon.

CHAD

There are no legislative, administrative or practical regulations tending towards the forms of indirect compulsion to work mentioned in the Recommendation. Moreover, in the report on Convention No. 105 submitted in accordance with article 22 of the Constitution of the I.L.O. the Government states that forced or compulsory labour has long been suppressed in the Republic of Chad.

CHILE

Section 11 of Legislative Decree No. 308 defines the functions of the Department of Employment and Manpower, which is to be responsible for regulating occupational and geographical mobility of labour, domestic migration and international emigration, and to collaborate with other public and private agencies in drawing up social and economic plans which may favourably influence the employment situation, such as the plans on the geographical distribution of industrial undertakings and the execution of public works.

In this connection reference may be made to Decree No. 42 of 12 January 1943 on a special unemployment fund for certain specified employees, and to the last clause of section 6 of Legislative Decree No. 243, which fixes allowances to manual workers per year of service, such workers forfeiting the right to receive unemployment

benefit when the employee or manual worker refuses work offered by the placing offices of the employment service.

The authority responsible for applying these provisions is the Department of Employment and Manpower, controlled by the Labour Board.

Section 39 of Legislative Decree No. 308 provides for the existence of national, regional and industrial consultative joint commissions to advise the Labour Board and its services, equal representation being accorded to employers, employees and manual workers.

Nothing is known of any measures which may have been adopted to carry out the provisions of this Recommendation.

CHINA

No legal enactment concerning the Recommendation has come into existence in the country and, due to a lack of actual need, the Government is not expected to prepare legislation for the application of this Recommendation.

CUBA

The contents of the Recommendation are not applicable to Cuba as the territory of the country forms a national unit with no dependent territories.

CYPRUS

No legislative, administrative or practical provisions exist in Cyprus in regard to any of the matters dealt with in the Recommendation. The practices mentioned in all three Sections of the Recommendation are unknown.

The Government does not propose to take any measures in connection with the Recommendation as the ills which the latter seeks to remedy do not exist in this country.

DENMARK

Act No. 276 of 27 May 1950 (Royal Greenland Trade Department).

Act No. 277 of 27 May 1950 (Exercise of Trade in Greenland).

Royal Order of 9 April 1951.

Section I of the Recommendation, as far as Denmark is concerned, relates to Greenland only. At the time of the Government's 1949 report very nearly all industry in Greenland was operated by the Government itself, and all undertakings were expected to adhere to a policy of promoting the living conditions of the Greenland population. Under Acts Nos. 276 and 277 of 27 May 1950, however, the state monopoly of trade was abolished. The prohibition of the right to settle in Greenland mentioned in the earlier report has also been abolished (Royal Order of 9 April 1951). The problems dealt with in the Recommendation do not arise in regard to workers in Greenland.

The practices referred to in Sections II and III of the Recommendation are unknown in Denmark.

Greenland.

See under *Denmark*.

ECUADOR

See under Convention No. 105.

FINLAND

Constitution of 17 July 1919.

Vagrancy Act of 17 January 1936 (*Suomen Asetuskokoelma* No. 57/36).

The Government states that forced labour (indirect compulsion), as defined by the Recommendation, does not exist in Finland.

Section 6 of the Constitution provides that every Finnish citizen shall be protected by law with regard to his life, honour, individual liberty and property. Under section 7 a Finnish citizen is entitled to choose his residence of his own free will and to remove from one locality to another, unless otherwise provided by law.

According to the Vagrancy Act, a "vagrant" is a person capable of working who stays idle and without adequate means of support, moving from one locality to another, who habitually shirks work, who begs or uses another for begging purposes, who, by habitually procuring income by methods contrary to good behaviour, constitutes an obvious danger to the public order, safety or morals.

See also under Conventions Nos. 29 and 105, which have been ratified by Finland.

FEDERAL REPUBLIC OF GERMANY

Fundamental Law of 23 May 1949.

Provisions contrary to the principles of the Recommendation do not exist either in law or in practice.

The Fundamental Law of 1949 protects human dignity (section 1), guarantees the general rights of the individual (section 2), liberty of movement (section 11) and the free choice of occupation (section 12).

No regulations exist which might enable indirect means to be used to increase artificially economic pressure upon populations to seek wage-earning employment.

Accordingly, there is no need to contemplate any new measures to give effect to the provisions of the Recommendation.

GHANA

The report states that there is no forced labour in Ghana.

GREECE

The Recommendation does not apply in the country. (See under Convention No. 105.)

GUINEA

The Recommendation does not apply. (See under Convention No. 105.)

HAITI

No legislative, administrative or practical provisions exist in the country which could be regarded as measures of indirect compulsion to work. The Penal Code alone provides for a sentence of forced labour, either temporarily or for life, as a penalty for certain offences.

The Department of Labour and Social Welfare is responsible for supervising freedom of labour, which is explicitly recognised in the Constitution and the social welfare laws.

HONDURAS

At no time will it be necessary to have recourse to indirect means calculated to compel certain members of the population to work for remuneration.

The Constitution of the Republic and the Labour Code protect workers and the population in general against any decision designed to compel them to perform work in any of the forms specified in the Recommendation. Thus, section 60 of the Constitution provides that governmental or other laws and provisions which regulate the exercise of the rights and guarantees recognised by this Constitution shall be null and void if they diminish, restrict or distort them, and according to section 11 of the same text every person has the right to work, to choose his occupation freely and to relinquish it.

Section 2 of the Labour Code provides that its rules are of a public nature and are obligatory on all firms, undertakings or establishments, as well as private individuals, with the following exceptions: provisions applying to agricultural or cattle-raising undertakings which employ at least ten workers; provisions applying to national, departmental and municipal public employees; and other provisions which the Code declares to be applicable only to certain specified persons or undertakings. In cases of serious national emergency, workers who are paid according to the pay-roll in government projects shall be subject to the system laid down in the present section.

Section 3 of the same text declares null and void any Acts or stipulations which involve the relinquishment, diminution or distortion of the rights which may be granted to workers under the Constitution, the present Code, its regulations or any further labour or social welfare Acts.

The application of the relevant provisions is supervised by the Ministry of Labour and Social Welfare, the General Labour Board, and General Labour Inspectorate, the labour tribunals and the appeal courts.

HUNGARY

No customs or legal regulations exist in the People's Republic of Hungary which would conflict with the contents of the Recommendation.

INDIA

Constitution of India.

Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956, and Rules, 1957.

State Acts relating to land ownership and transfer of land.

Protective legislation under the Constitution (Fifth Schedule).

Third Five-Year Plan.

The welfare of the backward classes, including the "scheduled tribes" to whom the Recommendation mainly applies, is the responsibility of both the Union and state Governments. Activities in this field are co-ordinated by the Union Ministry of Home Affairs. A special officer, the Commissioner for Scheduled Castes and Scheduled Tribes, investigates all matters relating to the safeguards provided for the scheduled tribes in the Constitution, and reports at specified intervals to the President of India and to Parliament. Certain non-official agencies devoted to the welfare of the tribal people also receive governmental encouragement and assistance.

Section 46 of the Constitution stipulates that the State shall promote with special care the educational and economic interests of the scheduled castes and scheduled tribes, and shall protect them from social injustice and all forms of exploitation. Backward classes like the scheduled tribes have benefited greatly from the first and

second five-year plans and from special development schemes, and pains have been taken to ensure that the population concerned shall not be put to any difficulty or exploited on account of these programmes. Further benefits are envisaged in the draft third five-year plan and related projects. Educational services (including vocational training) and other welfare services are being extended throughout the interior to keep pace with the development of communications and industrial undertakings in the tribal areas.

Many of the states have undertaken legislative and executive measures to prohibit or control the transfer of land from tribals to non-tribals. With regard to the utilisation of forest resources in the tribal areas, great importance is attached to the organisation of forest co-operative societies of the tribes themselves.

Projects undertaken for the benefit of the scheduled tribes do not impose any economic pressure on them to secure wage-earning employment. It is true that as a result of the execution of large irrigation and other projects in the areas inhabited by the tribes, a number of families are being displaced from their lands and their traditional occupations. But in such cases efforts are concentrated on (a) resettling as many of these as possible on alternative lands, (b) discouraging payment of compensation in cash (which is likely to be frittered away), and (c) facilitating their rehabilitation through the formation of co-operatives.

The land policy in India is one of reducing the disparities in the size of holdings and consolidating the uneconomic units. Ceilings are fixed on land holdings and the land acquired thereby (together with state lands and others) distributed to the landless workers, displaced tenants, and those with uneconomic holdings. Financial help in the form of loan advances and grants is given for land reclamation and other equipment, and efficient cultivation practices are encouraged.

With respect to "vagrancy", the policy of the Government has been to soften the rigours of the life of India's nomads and to provide certain incentives for the children and youth of these tribes to look upon settled life as a better alternative. No pressure has been applied to the nomads to seek wage-earning employment, and restrictions on their movements have been removed; but schemes for colonisation, housing, education and improvement of employment opportunities have been instituted and extensions are contemplated in the third five-year plan.

Neither tax policy nor pass laws in India would have the effect of compelling tribals to seek wage-earning employment with private undertakings.

While no restrictions are placed on the free flow of labour, steps are being taken to strengthen the rural economy with a view to preventing an indiscriminate migration of labour from the rural to the urban areas.

It has not been considered necessary to make any major modifications in the Recommendation, except that it has been taken to be applicable mainly to the scheduled tribes.

IRAQ

See under Convention No. 29.

IRELAND

The report states that the provisions of the Recommendation are not applicable to conditions in Ireland and that it has not, therefore, been necessary to take any measures to give effect to them.

ISRAEL

The report states that there is no direct or indirect compulsion to labour in Israel and that the situations envisaged by the Recommendation do not exist.

ITALY

The Recommendation does not apply. (See under Convention No. 105.)

IVORY COAST

The provisions of the Labour Code dealing particularly with standards governing work contracts and working conditions, legal working hours, joint wage fixing, conclusion of collective agreements, procedure for settling disputes, activities of workers' delegates and delegates of trade unions, etc., have helped to avert any possible harmful effect on the welfare of the population which might have arisen from economic developments. These provisions have also enabled sudden, speculative transfers of non-indigenous labour to be avoided.

Moreover, the legal provisions regarding the granting of forest or other concessions preserve and protect the habitual rights of inhabitants in such areas. The former "fiscal minimum" personal tax was annulled by Law No. 59-250 of 31 December 1959.

The meaning of "vagrancy" is not observed in the Ivory Coast and no limitation exists on freedom of movement; certain vaccinations are, however, obligatory for movements from one country to another and for the conclusion of work contracts.

As all these measures appear to be such as to ensure due application of the Recommendation, it is not intended to take any new steps in this field.

JAPAN

Since forced labour is prohibited by law, there exists no provision in the legislation of Japan in regard to the matters dealt with in the Recommendation. No measures are under consideration, at present, to give effect to the provisions of the Recommendation not yet covered by national legislation or practice.

LUXEMBOURG

See under Convention No. 29.

FEDERATION OF MALAYA

Constitution.

There is no forced or compulsory labour, in whatever form, in the Federation of Malaya.

Section I of the Recommendation is not applicable because Malaya is not a territory in a primitive stage of development.

None of the provisions of Section II are in existence in the Federation of Malaya.

The Constitution of the Federation of Malaya guarantees the voluntary flow of labour.

MAURITANIA

Section I (a) of the Recommendation. The increase of mining undertakings and the establishment of dangerous or objectionable industries is supervised according to the decree of 13 November 1954. Other enterprises may be freely set up and are a source of income for the population. Agricultural undertakings preserve the traditional structure.

Section II (c). In practice, section 269 of the Penal Code which suppresses vagrancy is not applied, owing to the nomadic way of life of most of the population.

Section II (d). There is no restriction on the free movement of labour.

MEXICO

National Constitution.

Law of 25 November 1919.

Mining Taxation Acts of 18 May 1916, 27 June 1919, 29 April 1927, 27 April 1932 and 30 August 1934.

Mining Taxation and Development Act, which came into effect on 1 January 1956.

Agrarian Code.

Federal Settlements Act of 30 December 1946.

Forests Act of 16 January 1960.

Legislative, administrative and practical measures have been adopted to ensure compliance with the provisions of Sections I, II and III of the Recommendation.

Section I. As regards the availability of manpower in the national territory (quantity, qualifications and aptitudes), in order to anticipate the consequences of sudden changes in habits of living the following steps have been taken. Arrangements have been made to establish new undertakings and to extend existing ones. In the mining field a series of measures have been adopted which recognise the existence of population groups which are mining by tradition and their aptitude for this work, and in those cases where a crisis was feared regulate the taxation, subsidies and fiscal agreements problem so as to favour this manpower group and thus maintain a balance. In the field of farming the maximum assistance has been given, the only limitation being the public benefit. The Constitution authorises the nation to subject private property to whatever methods are required by the public interest and empowers it to carry out a large-scale farming policy. The breaking up of large estates is authorised and the development of small properties in course of being worked is protected, etc. The Federal Settlements Act mentioned above regulates the accommodation of settlers in depopulated areas. The National Settlements Commission is responsible for promoting settlement in these areas on suitable terms and for carrying out projects and studies to ensure the success of such establishments. The Commission seeks to ensure that settlements do not cause sudden occupational changes in manpower. Article 85 of the Forests Act mentioned above authorises action by the federal Executive to organise communal centres of population to engage in forest industries.

Section II. The following may be noted with reference to indirect means of impelling certain population groups towards remunerated work by means of economic pressure: Taxation falls on private individuals and absolute equity is sought between the amount of the taxes and the economic capacity of the person concerned. The free land-cultivators are the smallholders. This institution is fully protected, the extent of the holding being limited to 100, 150, 200, 300 and up to 5,000 hectares, according to the nature of the land, irrigation, etc. Beyond these limits, which have proved to be sufficient, there are no legal restrictions. In referring to the offence of vagrancy the Penal Code specifies that a prison sentence of two to five years shall be inflicted on delinquents who (a) fail to engage in serious work without just cause; (b) are bad characters as shown by the judicial and police records. The definition of this offence is intended not to limit freedom to work or to withhold labour, but to prevent the continuance of such a situation from becoming a social menace or burden, and penal antecedents will also be required.

Section III. Movement permits do not exist. Every individual has the right to move freely. This right, which is conferred under section 11 of the National Constitution, will be subject to the powers of the judicial authority in cases of criminal or civil responsibility and to the powers of the administrative authorities where limitations on the laws of emigration, immigration and health are concerned.

Responsibility for the application of these provisions is vested in the authorities referred to in each of the provisions mentioned.

It is not considered necessary to modify the laws of the country.

The federal Government considers that the provisions of this Recommendation should be adopted by both the Federation and the governments of the federative bodies; accordingly, it will bring the text of this Recommendation to the notice of the said authorities.

MOROCCO

No provisions exist in Morocco on the questions covered by the Recommendation.

The comparatively small tax burdens are not such as to compel land workers and craftsmen to take up wage-earning work. Land can be expropriated only for reasons of public interest and there are no other restrictions on ownership of land. Liberty of movement is not restricted, particularly for purposes of finding work.

No special measures have been envisaged to give effect to the provisions of the Recommendation, as these provisions are fully applied.

NETHERLANDS

In view of the situation in the Netherlands in this respect, the provisions of the Recommendation do not apply.

Netherlands West Indies.

Owing to regional conditions, there is little cultivation in the West Indies, where the main occupations are commerce and industry. Moreover, the difficulties mentioned in the Recommendation do not arise in the country, which has already reached a certain stage of development.

Netherlands New Guinea.

As this territory is one of the least developed in the world, it has only a few small agricultural and industrial enterprises. No compulsion is used to force workers to enter the service of particular undertakings or to remain in that service. There are also no regulations restraining the liberty of the worker to change his occupation or business.

In some cases the authorities have adopted restrictive measures of recruitment in order to prevent too large a number of men of active age being removed from the rural areas, which would be liable to disorganise the social and economic life on the land and retard its development.

Surinam.

Although no regulations exist in this field, the Government entirely subscribes to the principles contained in the Recommendation.

NEW ZEALAND

This Recommendation has no application whatever as regards the metropolitan territory of New Zealand.

Cook Islands.

Cook Islands Act, 1915 (as amended).
Income Tax Ordinance, 1956.

There is only a limited scope for industrial expansion in the Cook Islands, and the majority of the people feel no compulsion to leave family owned land providing a subsistence type of employment and living. Non-indigenous settlement is not encouraged, owing to the rapid growth of the Native population. Forest resources are quite limited and no concessions of this sort are granted.

Apart from taxes raised by the island council, the only direct taxation of the Maori community is an income tax levied in accordance with the Income Tax Ordinance, 1956. There is not the slightest likelihood of the inhabitants being compelled to seek wage-earning employment through existing taxation measures.

Native land is inalienable except to the Crown for public purposes. In practice such land is acquired where possible by lease in perpetuity. No Maori may have his land taken in execution of debt, and no contract entered into by a Maori is enforceable without the consent of the High Court.

There are no pass laws in the Cook Islands. Vagrancy does not exist among the indigenous populations, as all persons have some share in family land upon which they primarily subsist, taking outside employment only as an occasional means of raising the standard of living or as a consequence of migration within the group.

There is no restriction on the voluntary flow of labour. There is normally sufficient local labour available on a voluntary basis to deal with calls in particular activities such as the unloading of vessels, packing of fruit, etc.

The Cook Islands are administered by two Resident Commissioners, under the control of the New Zealand Minister for Island Territories.

As the provisions of this instrument are inappropriate to the conditions existing in the Cook Islands, it has not appeared to the Government that there is any occasion to accept the Recommendation.

Tokelau Islands.

Tokelau Islands Act, 1948 (as amended).

With respect to Sections I and III of the Recommendation, see under *Cook Islands*.

With respect to Section II, no indirect means exist of increasing pressure on the indigenous population of the Tokelau Islands to seek wage-earning employment. Revenue is derived principally from trading profits, export and custom duties, and the sale of postage stamps. Indigenous inhabitants may dispose of their lands among themselves according to their native laws and customs, but they may alienate them only to the Crown; and while in principle these lands may be leased to non-indigenous inhabitants under administrative supervision, none are leased in practice.

There are no pass laws in the territory. Vagrancy does not exist among the indigenous populations, as all persons have some share in the family land upon which they primarily subsist, taking outside employment only as an occasional means of raising the standard of living or as a consequence of migration within the group.

The Tokelau Islands are under the administration of the High Commissioner for Western Samoa.

As the provisions of this instrument are inappropriate to the conditions existing in the Tokelau Islands, it has not appeared to the Government that there is any occasion to accept the Recommendation.

Western Samoa.

Samoa Act, 1921 (as amended).

Industries in Western Samoa are few in number and small in scope and there is little prospect that many Samoans will come to feel in the foreseeable future any

compulsion to leave their family lands and their subsistence-type employment. Forest resources are quite limited, and no concessions of this sort are granted. Short-term immigration permits are readily granted for certain purposes, but no person is permitted to become a permanent resident unless and until he is so declared by the Council of State on the advice of the Minister of Immigration, or until he has resided in Samoa for at least five years.

While it is not possible to determine the proportion of revenue derived from the indigenous inhabitants, it is safe to say that either directly or indirectly all expenditure is for their benefit, the Legislative Assembly exerting a complete and very vigilant control in this respect. Land may be leased with the sanction of the Government; it may not, in general, be permanently alienated except to the Crown (Samoan Government), which makes compensation in land when the native land taken for public purposes is in a densely settled area.

There are no pass laws in the territory. Vagrancy does not exist among the indigenous populations, as all persons have some share in the family land upon which they primarily subsist, taking outside employment only as an occasional means of raising the standard of living or as a consequence of migration within the group.

With respect to Section III of the Recommendation, see under *Cook Islands*.

The territory of Western Samoa is governed by a Legislative Assembly headed by a Council of State (consisting of the High Commissioner for Western Samoa and two Fautua, i.e. heads of the leading Samoan families). Effective control of the policy and administration of the Western Samoan Government is now vested in a Cabinet of nine elected ministers presided over by a Prime Minister.

As the provisions of this instrument are inappropriate to the conditions existing in Western Samoa, it has not appeared to the Government that there is any occasion to accept the Recommendation.

NIGER

Every worker is completely free to take up work with any chosen employer and in any chosen place. Nevertheless section 29 of the Labour Code provides that the Minister of Labour may, in exceptional cases and for economic or social reasons, prohibit or limit certain recruitment of labour in particular areas on the recommendation of the Consultative Commission for Labour. On the other hand, no regulations exist which tend to impel certain population groups artificially to take up wage-earning work.

NIGERIA

There are strict safeguards in the Federation of Nigeria protecting the rights of indigenous people in the occupation and use of land. The entry into the country of non-indigenous persons is subject to the imposition of conditions relating to duration and to place of residence, occupation or business. The federal Constitution guarantees to all citizens fundamental human rights including freedom of movement and freedom from discrimination.

The Governments of the Federation and the federal Ministry of Labour, with the advice and assistance of employers' and workers' organisations co-ordinated in the federal Labour Advisory Council, ensure that effect is given to all the provisions of the Recommendation, by administrative practice and by legislation. No modifications are necessary for its adoption.

The provisions of the Recommendation are regarded by the federal Government as appropriate for federal action.

NORWAY

The Norwegian legislation does not contain any provisions which are contrary to the principles set out in the Forced Labour Convention, 1930 (No. 29). The report states that Recommendations Nos. 35 and 36 do not seem to have influenced the legislation or the practice in Norway.

PAKISTAN

Although no legal, administrative or practical provisions exist in Pakistan in regard to the matters dealt with in the Recommendation, the points mentioned in it are duly taken care of while determining the economic and social policies of the Government.

The Recommendation is being examined with a view to determining the possibility of its acceptance.

POLAND

There are no indirect means by which compulsory labour might be exacted in Poland.

See under Conventions Nos. 29 and 105, both of which have been ratified by Poland, for detailed information regarding labour legislation and practice.

PORTUGAL

Penal Code.

Decree No. 43637.

The economic development of the overseas provinces and the development plans take into account the habits and customs of the local population. All the decisions connected with such plans try to ensure that the projected measures do not harmfully affect the habits of the population. As no discrimination exists in the Portuguese territories, the agricultural development plans, such as the settlements in Angola and Mozambique, serve the interests of both the Native and non-native elements.

Regarding the taxation system, the burdens imposed are not excessive as the object of the taxes is not to compel the population to work.

Recourse to compulsory farming is prohibited and the notion of vagrancy has no pejorative association, being explicitly defined in section 256 ff. of the Penal Code.

Movement permits are not used. Individual work contracts, while laying down conditions of work and transport when the place of work is at some distance from the worker's home, cannot be regarded as movement permits.

In general, the application of the principles of this Recommendation is entrusted to the public administration services.

As the national legislation guarantees the application of the provisions of the Recommendation, it is not thought necessary to introduce any modification thereto.

Angola, Cape Verde Islands, Portuguese Guinea, Portuguese India, Macao, Mozambique St. Tomé and Príncipe, Timor.

See above *Portugal*.

RUMANIA

The practice of indirect compulsion of labour does not exist in any form in Rumania and existing legislation does not envisage any provision covering this Recommendation.

SENEGAL

See under Convention No. 105.

SIERRA LEONE

Sierra Leone (Constitution) Order-in-Council, 1961—Public Notice No. 78 of 1961.

Public Lands Ordinance—Cap. 116 of the Laws of Sierra Leone 1960, Vol III.

Forestry Order in Council—Cap. 189 of the Laws of Sierra Leone 1960, Vol. VII (Subsidiary Legislation).

Section I of the Recommendation. There are no restrictions on non-indigenous settlement. The only restrictions on the use of land are those pertaining to land required for mining purposes, as forest reserves or as Crown land. These are not such as to make it difficult for farmers to gain a living by independent cultivation.

Section II. The laws relating to vagrancy, carrying, on conviction, a liability to imprisonment, are not considered abusive. There are no pass laws of general application.

Section III. There is no restriction on the flow of labour either from one employment to another or from one area to another.

REPUBLIC OF SOUTH AFRICA

The Government encourages economic development and renders extensive material assistance to this end.

Section I(a) of the Recommendation. The principles of Section I are being followed particularly in the development of Bantu areas. As far as possible, industrial undertakings in these areas are launched by indigenous communities. State agencies sometimes undertake these matters with the object of transferring enterprises as soon as possible. Mining and agricultural concessions are strictly controlled.

Section I(b). Non-indigenous settlement is prohibited.

Section I(c). No monopolies are allowed and forestry potential is developed for communities in trust.

Sections II and III. No laws aimed at indirect compulsion to labour exist. The Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, which has restrictive effect on movement of the population, is in no way introduced to provide indirect sources of forced labour.

SPAIN

See Convention No. 105.

The special conditions referred to in Sections I, II and III of the Recommendation do not exist in Spain.

The supervision of the provisions covered by the contents of the Recommendation is the responsibility of the National Labour Inspectorate.

SWEDEN

— Such indirect compulsion to labour as is indicated in the Recommendation does not exist in Sweden.

See also previous annual reports under article 22 of the I.L.O. Constitution on Conventions Nos. 29 and 105.

SWITZERLAND

The "indirect means" of compulsion to work deprecated by the Recommendation are unknown in Switzerland because: all members of the population (Swiss or foreign) who are wage earners or work independently enjoy the same status and the same treatment in regard to taxation; there is no legal restriction on the purchase or leasing of land; the meaning of vagrancy is interpreted restrictively; movement from one area of the country to another is free, as is also settlement in any part of the country (section 45 of the Constitution).

Any official who attempted to restrict the liberties mentioned above would commit a misuse of authority punishable under the Penal Code by penalties of up to five years solitary confinement (section 312).

Since the provisions of the Recommendation are covered by the law or the custom of the country, there is no need to adopt further measures in this field.

TUNISIA

The provisions of the Recommendation do not apply. See also Convention No. 29.

TURKEY

Constitution of 1961 (sections 37, 40 and 42).

The Income Tax Law, No. 193 of 31 December 1960 (sections 9 to 13, 17 to 18 and 31).

The Agrarian Reform Act, No. 4753 of 11 June 1945, as amended by Acts Nos. 5618 and 6603 (sections 34, 39, 42 and 47).

Section I of the Recommendation. This is not applicable in Turkey.

Section II (a). The Government states that the Turkish taxation system encourages and facilitates independent employment. Under section 9 of the Income Tax Law pedlars of various kinds, small craftsmen, persons operating non-mechanically propelled vessels, persons engaged in transportation by animals, etc., are exempted from the obligation to pay income tax. Sections 10 and 11 of the Law exempt all small farmers from the obligation to pay tax on income obtained through agriculture. The Law provides for income-tax exemption in regard to other categories of persons as well. Sections 17 and 18, for instance, exempt the first £6,000 of the annual income of a settled refugee and the first £5,000 of the gross annual income of writers, translators, sculptors, painters, etc.

Section II (b). The Agrarian Reform Act includes provisions which facilitate the possession, occupation or use of land with a view to rendering it easier to gain a living by independent farming. Thus, section 34 of the Act provides for the distribution of land to the following categories of persons: landless persons employed as tenants or share-croppers; farmers with insufficient land; landless graduates of agricultural or veterinary colleges; agricultural wage earners; farmer-migrants or farmer-nomads, etc. Section 47 provides for the establishment of a special fund in the Agricultural Bank of Turkey to grant credits to persons receiving land. Moreover, under section 37 of the new Constitution the State must take necessary measures with a view to promoting the accession to ownership of the landless farmers or of those with insufficient land.

Section II (c). There are no legal provisions concerning vagrancy in Turkey but this is not a problem nor is there an abusive extension of the generally accepted meaning.

Section II (d). The pass laws referred to in this section do not exist in Turkey.

Section III. The Government states that restrictions of the nature mentioned in this section of the Recommendation do not exist in Turkey. Labour is free to move from one form of employment to another or from one district to another. The right to free choice of employment is guaranteed by the Constitution.

The Government states that no measures are necessary since the existing legislation and practice ensure conformity with the provisions of the Recommendation.

UKRAINE

See under Convention No. 105.

U.S.S.R.

See under Convention No. 105.

UNITED KINGDOM

The report states that there is no forced labour in the United Kingdom and that national law and practice are in full accord with the terms of the Recommendation. The temporary restrictions on the voluntary flow of labour imposed during the war and the subsequent period of economic readjustment, which were referred to in the last report, in 1949, have been removed.

The report also covers the position in Guernsey, Jersey and the Isle of Man.

Aden.

Police Ordinance.

Vagrants and Undesirables Ordinance (Laws of Aden, Cap. 160).

Owing to the fact that the colony is small and the development of its commerce and industry relatively advanced, the provisions of the Recommendation are not applicable in Aden, though they are borne in mind in the drafting of legislation.

No one is compelled to labour in Aden on industrial, mining, or other projects; the problem is rather one of attracting commerce and industry to the colony in order to offer employment to those who seek it. Control of non-indigenous settlement rests with the Immigration Authority. The provisions concerning the granting of forest or other concessions are inapplicable to the colony.

There are no direct means of artificially increasing the economic pressure on the population to seek wage-earning employment.

Section II (*b*) of the Recommendation is not applicable to the colony.

Aden has no pass laws (however, nationals of the colony do receive preference at the Employment Exchange) and no poll tax; the income tax is graded in such a way that a large proportion of the population pays none. The Vagrants and Undesirables Ordinance defines a vagrant as any person who is not licensed under section 64 (2) of the Police Ordinance, asking for alms or wandering about and unable to show that he has any employment or visible means of subsistence.

Section III of the Recommendation is not applicable to the colony.

Antigua.

Forced labour does not exist except at the prison, which is provided for in paragraph 2 (*c*) of Article 2 of Convention No. 29. No legislation in this regard is contemplated as the position is not likely to change.

Bahamas.

Penal Code (Cap. 69).

The report states that there is not, and could not be, any forced labour, direct or indirect, in this country. While there is no specific legislation or administrative regulation dealing with forced labour, the Penal Code (Cap. 69) provides penalties which would be imposed if physical force were used to make a person work against his will, since it would amount to an assault. Provision is also made in the case of a threat of force.

Any measures are unnecessary in the social context of this country.

Barbados.

There is no law or custom permitting the exaction of forced or compulsory labour as defined in Convention No. 29. There is, therefore, no necessity for legislative or administrative provisions to meet any of the principles raised in this Recommendation.

Bechuanaland.

Employment of Women and Children Proclamation, Cap. 55 of the Laws.
Protection of African Labourers Proclamation, Cap. 72.
African Administration Proclamation, Cap. 67.

The application of the above Proclamations, which contain the sole provisions regarding the matters dealt with in Recommendation No. 35 and Recommendation No. 36, is entrusted to the Government of the Protectorate. In practice, however, the need for enforcement seldom arises.

It is not intended to take any further measures to give effect to the provisions of the Recommendations not yet covered by legislation and it has not been found necessary to make any modifications to the Recommendations.

There are no organisations of employers or workers concerned with the application of the Recommendations.

Bermuda.

There are no special legislative, administrative or practical provisions existing in Bermuda in regard to all or any of the matters dealt with in the Recommendation. None of the practices which the Recommendation seeks to regulate has existed in the Islands for many years and no measures are considered necessary to give effect to its provisions.

Brunei.

Section 374 of the Penal Code reads: "Whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment . . . for a term which may extend to one year, or with fine, or with both."

There are no other legislations concerning forced or compulsory labour and no circumstances have yet occurred to make this necessary. Therefore no measures are contemplated to be taken to give effect to the provisions of the Recommendation.

Falkland Islands.

English Law applies to the colony.
Administration of Justice Ordinance.

There is no forced labour in the colony—the population is so small that all individuals are known.

Any work exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of the public authority and

the said person is not hired or placed at the disposal of private individuals, companies or associations.

There is no specific legislation declaring forced or compulsory labour illegal as such. If a case of forced labour were to occur it could be dealt with under the Administration of Justice Ordinance.

Fiji Islands.

Crown Lands Ordinance.
Crown Lands Regulations.
Fijian Affairs Ordinance.
Fijian Affairs Regulations.
Forest Ordinance.
Forest Regulation, 1955.
Immigration Ordinance.
Immigration Regulations.
Labour Ordinance.
Land Conservation and Improvement Ordinance.
Mining Ordinance.
Mining Regulations.
Native Lands Ordinance.
Native Land Trust Ordinance.
Native Land Regulations.
Subdivision of Land Ordinance.
Subdivision of Land Regulations.

The Government gives every encouragement to industrial, mining and agricultural undertakings, which would provide employment for local persons, to enter and establish themselves in Fiji. However, Part V of the Labour Ordinance ensures that there will not be an exodus from Fijian villages of such a number of persons seeking outside employment as will bring about too sudden changes in the habits of life and work and thereby have an adverse effect on the social conditions.

A commission, appointed in 1960 to inquire into and report upon natural resources and population trends, recommended that immigration into Fiji should be controlled, but not in such a way as to cause a loss of business efficiency (which was accepted by the Government).

Forestry concessions and the cutting of timber are granted and controlled by the Native Land Trust Board, the majority of the members of which are Fijians. The Mining Ordinance provides for protection of established improvements and award of compensation for deprivation of surface rights.

The need to pay taxes may have the effect of making persons seek wage-earning employment.

There are no restrictions on the possession, occupation or use of land to prevent the independent cultivator from gaining a living by independent cultivation.

Provisions of sections 197 and 198 of the penal code relating to vagrants are similar to those enforced in the United Kingdom and throughout the Commonwealth.

There are no pass laws in the Fiji Islands and there are no restrictive measures which may compel workers to take employment in particular districts or industries.

The Commissioner of Labour, the Secretary of Fijian Affairs, the Principal Immigration Officer, the Conservator of Forests, the Director of Lands, Mines and Surveys, the Chairman and the Manager of the Native Land Board, are entrusted, within their respective area, with the supervision of the dispositions mentioned.

Gibraltar.

It has not been necessary to make legislative, administrative or practical provision with regard to the matters dealt with in the Recommendation.

Gibraltar cannot be considered to be a territory in a primitive stage of development. The community is entirely on a wage economy but in any case there is no agriculture at present and unlikely to be any such development in the future. Sections I and II of the Recommendation therefore have no application in the territory. There are no restrictions on the voluntary flow of labour from one form of employment to another or from one district to another. There is no history of forced labour in Gibraltar and in the circumstances outlined above there is no need for the introduction of measures to give effect to the Recommendation. The sole effect of its application to Gibraltar is that the Government binds itself to ensure that the practices which it is designed to eliminate will not arise in the future.

Gilbert and Ellice Islands.

Labour Ordinance.

Ordinance No. 2, 1959.

The Labour Ordinance by which Convention No. 29 is applied provides for a maximum period of service for workers recruited for work overseas within the colony.

The strict restriction on alienation of native land (Ordinance No. 2, 1959) militates against the increase in the number and extent of agricultural undertakings. The Administration's policy is to encourage the economic development of land and to ensure to the landowner full title to and control over his land.

Movement of the population from one part of the colony to another is unrestricted and labour is free to take up employment wherever it is available.

Guernsey.

See under *United Kingdom*.

British Guiana.

There is no form of indirect compulsion to labour in British Guiana and, hence, no necessity arises for any legislative, administrative or practical provisions of the type contemplated in the Recommendation. It should be noted, however, that the civil law of British Guiana ordinance provides that the common law of England shall apply to the territory. Under this law the courts will not grant specific performance of a contract of service.

There is no need for any measures to give effect to the provisions of the Recommendation.

British Honduras.

Chapter 88 of the Consolidated Laws, 1942.

Fair Wages Clause in Government Contracts.

Section I of the Recommendation. (a) It has been accepted that the further economic development of British Honduras lies mainly in the extension of agriculture and forestry with its related industries such as the manufacture of wood products. This type of development will result in an increase in the wage-earning population. It will also mean that there will have to be some movement of population to new localities. The country has large areas which lend themselves to the development of land settlement projects and this aspect of development is currently receiving the attention of the Government. The Agriculture Department carries out extension work in the field in helping the farmer to abandon wasteful habits and grow the best and most major crops by advice and demonstration. And while economic development is slowly but surely extending opportunities for wage-earning work, permanent and continuous training schemes are carried out to provide and improve the required

skills. (b) In December 1957 the Government concluded agreements for settlement in British Honduras of two self-contained communities of agriculturists from Mexico, numbering 2,500 persons. One of the conditions of their agreement with the Government is that they will "produce food not only for themselves but also for local consumption and for the export market". For the purpose of encouraging immigration or for the development of the resources of British Honduras, the Governor is empowered under section 37 of Chapter 88 of the Consolidated Laws, 1942, to issue free grants or conditional freehold titles of rural lands to persons who may desire to settle in the country. So far, however, this power has never been exercised. At the end of the period under review the population was estimated at 90,400, comprising 44,600 males and 45,800 females. Although there is an existing problem of unemployment and underemployment it has been generally accepted that effective development would require a much larger population to carry through a realistic programme of development. So far, however, no definite policy or decision has been reached on the complex question of immigration. (c) The granting of forest or other concessions is subject to conditions laid down under the Fair Wages Labour Clause in government contracts, a copy of which was attached to the report.

Section II (a). The imposition of taxation does not tend in any way to have the effect of compelling those who are living by means of individual cultivation to seek employment with private undertakings. Land tax rates which are very low vary from 3 cents an acre to 9 cents an acre according to the classification of the land. Farmers are also granted concessions for the importation of farm implements free of duty. There is no system of poll tax. A schedule of the rates of income tax is attached to the Government's report. (b) There is very little or no restriction on the possession, occupation, and use of land as would have the effect of rendering difficult the gaining of a living by independent cultivation. The policy of the Government is designed to encourage independent cultivation through the Agricultural Credits Fund which was established in 1958 to help farmers to increase the productivity of their land and to facilitate the emergence of a permanent wage-earning farming population. Applications for the acquisition of Crown land for cultivation may be made under section 8 of Chapter 88 of the Consolidated Laws, 1942. Such applications may be granted by the Governor, who may prescribe such terms and conditions of occupancy, including conditions as to cultivation, as he may think fit to attach. (c) There is no law or practice extending abusively the generally accepted meaning of vagrancy. (d) There are no such pass laws or practices as would have the effect of placing workers in the service of others in a position of advantage as compared with that of other workers.

Section III. There are no restrictions on the voluntary flow of labour from one form of employment to another or from one district to another. The traditional source of wage-earning employment has for many generations been dependent on seasonal occupations which called for voluntary movement about the country from one form of employment to another or from one district to another.

The authorities mainly entrusted with the application of the Recommendation are the officers of the Labour, Forestry, Agriculture and Survey Departments. In the development of training programmes close collaboration is maintained with organisations of employers and workers.

It is not considered necessary to take any further measures on the provisions of the Recommendation.

Hong Kong.

The Recommendation appears to be concerned exclusively with territories in an early stage of economic development and no legislative, administrative or practical

provisions are considered necessary in Hong Kong in regard to any of the matters dealt with in the Recommendation.

There are no pass laws in the colony nor is there any restriction on the voluntary flow of labour from one form of employment to another or from one district to another.

Jersey.

See under *United Kingdom*.

Kenya.

In the light of the growing demands of a population rapidly becoming better educated, more socially and politically conscious, and more impatient of the tempo of advance, the Government considers the full economic development of the African lands units in Kenya to be of the first importance. Agricultural reform programmes have been instituted to encourage the swing from peasant subsistence farming toward a cash economy. The Government encourages all possible increases in the number and extent of industrial, mining, and agricultural undertakings, in an effort to meet the increasing demand for wage-earning employment and to satisfy the social and political aspirations of the people.

The Government does not direct industry in the matter of geographical siting, but in responding to the inquiries of prospective entrepreneurs it takes into account the amount and kind of labour available in any proposed area, with a view to minimising the transport of workers from one part of the territory to another. In the interests of the indigenous people, non-indigenous settlement is strictly controlled by immigration laws, and persons wishing to take up residence in Kenya are required to show that they possess skills which are needed or that they are able to contribute to the economy of the country through their financial resources.

Forest concessions, monopolistic in nature, are in fact granted; but, far from having any adverse effect on the local population, they give a much-needed opportunity for employment. The majority of forests are unencumbered by user rights, but, in cases where they exist, care is taken to ensure that the operation of timber licences does not interfere with them.

Though there are no longer any restrictions on the possession, occupation or use of land which would have the effect of rendering difficult the gaining of a living by independent cultivation, the economic and social ambitions of many Africans have expanded beyond the capacity of the available land to satisfy them all. In the areas settled by immigrant races, outside the African land units, African employment is almost exclusively wage-earning. Minimum wages are fixed by statute in the main urban areas and in certain trades, and in some instances by collective bargaining.

The personal tax is paid annually, and consists of a graduated tax based on the individual's income. To a limited extent, and where a bare subsistence is won from the land, the obligation to pay this tax makes it necessary for some peasantry to seek temporary wage-earning employment, but such employment need not interfere with the working of their own land. There is provision for a remission of tax on the ground of poverty or for any other good cause, and for the exemption of any person or class of persons from the payment of tax.

It is an aim of government policy to stabilise labour in its own area of employment, but no compulsion is imposed on workers to take employment in particular industries or districts. The Government intends shortly to repeal the statutory provisions which now control the movement between areas of a few primitive peoples.

The territory's Central Government, with its component Ministries (including the Provincial Administration), is responsible for the application of the relevant statutory

provisions, but obtains advice from various boards or committees which include non-official representation. The principal organisations of employers and of workers are also consulted in relation to matters affecting employment and have members on the Labour Advisory Board.

It is considered that the present position in Kenya adequately implements the spirit of the Recommendation.

Malta.

The report states that the laws of Malta do not contemplate the concept of forced labour as the state of civilisation of the Island is far in advance of such conditions. The necessity of taking measures to give effect to the provisions of the Recommendation does not therefore arise.

Isle of Man.

See under *United Kingdom*.

Mauritius.

The Employment and Labour Ordinance (Cap. 214 of the Laws).

There are no provisions specifically prohibiting indirect compulsion upon any person to seek wage-earning employment. On the other hand there are no such measures, either in force or contemplated, tending towards such compulsion. In fact the Government has recently repealed a legal provision governing recruitment of labour by sugar estates. Section 18 of the Employment and Labour Ordinance gives power to the competent Minister to appoint an advisory committee with a view to specifying or restricting the area or areas from which employers may obtain labour and limiting the number of labourers which may be obtained therefrom.

It is not intended to take any measures which would affect the present position whereby indirect compulsion or the sort referred to in the Recommendation is not, and may not be, applied. No modification of the Recommendation has been, or is expected to be, necessary.

North Borneo.

Minor Offences Ordinance (Cap. 80).

The principles of the Recommendation have been taken into consideration in administrative policy and practice.

The principles included in Section I of the Recommendation are constantly kept in view in relation to new proposals for industrial and agricultural development and for the granting of concessions.

No pass laws have been adopted and no taxation on restrictions on the possession, occupation and use of land such as are described in Section II of the Recommendation are imposed (vagrancy dealt with in section 21 of the Minor Offences Ordinance).

The voluntary movement of labour between districts or from one form of employment to another is not restricted, in accordance with Section III of the Recommendation.

The provisions of the Recommendation have been given full effect by administrative policy and practice, and no further measures are considered necessary.

Northern Rhodesia.

Native Tax Ordinance (Cap. 161).

Native Authority Ordinance (Cap. 157).

With regard to Sections II and III of the Recommendation, legislative provision exists for the imposition of taxation upon the indigenous population and for the restriction of movement from one district to another.

Section II. The Native Tax Ordinance (Cap 161) makes provision for taxation of Natives, but exemption from payment is made in respect of old age, disease or other physical deficiency and in other certain cases. It is not considered that this taxation compels the population to seek wage-earning employment with private undertakings. With regard to clauses (b), (c) and (d) of the Section, the Recommendation is complied with.

Section III. The Native Authority Ordinance (Cap. 157) restricts the movement of the indigenous population. These restrictions are temporary, seldom imposed and affect only small sections of the community. Workers are not compelled to take work in particular industries or districts permanently. The provisions of the Native Authority Ordinance are implemented under the supervision of the Provincial Administration and subject to such direction as the Governor may make from time to time. Organisations of employers and workers are not called upon to assist in the application of the ordinance. The provisions of the Native Tax Ordinance are similarly administered, and administrative officers are empowered to grant exemption. A Bill is being introduced in June 1961 to amend the Native Registration Ordinance (Cap. 169), so that it will no longer be necessary for Africans to carry identity cards on their persons.

In other respects it is not considered necessary to make or contemplate any modification in order to apply the Recommendation.

Nyasaland.

In connection with economic development, Section I is taken into consideration.

The Nyasaland Protectorate (African Trust Land) Orders in Council 1950-56 declares the holding of the lands of the Protectorate to be African Trust Land, subject to certain exceptions, to be administered for the use of common benefit of all Africans, having regard to African law and customs.

Leases of land or rights of occupancy of African Trust Land are only granted by the Governor under conditions which comply with Section I.

St. Christopher-Nevis-Anguilla.

No legislative, administrative or practical provisions exist which prescribe or permit restrictive practices such as are implicit in the terms of the Recommendation.

St. Helena.

During the period under review there was no local law in operation in regard to the matters dealt with in the Recommendation, but these were covered by the laws and practices of England which were followed. See under the United Kingdom for information concerning the legislation, regulations and practice.

The Crown was the authority concerned with the supervision of the application of the legislation and regulations.

There were no organisations of employers which could be called upon to co-operate, and there is only one representative organisation of workers in the colony. Up to the end of the period under review it has never been necessary to call upon any employer or any workers' organisation to co-operate in the application of the law as no form of forced labour has occurred.

No further measures to give effect to the provisions of the Recommendation are considered necessary and it has not been found necessary to make any modification to the Recommendation in adopting or applying it.

St. Lucia.

Pioneer Industry Ordinance, No. 12 of 1951.

The principles of the Recommendation are reflected neither in the laws, administrative regulation nor in the national practice of the territory.

The Pioneer Industry Ordinance is designed to induce investment capital into the establishment and development of light manufacturing industries. It is calculated that industrialisation by increasing employment opportunities might dam the voluntary flow of emigrants to the United Kingdom without imposing any social or economic hardships on the social life of the community.

St. Vincent.

Forced labour does not exist in any form in the territory and so it is not considered necessary to enact legislation to prevent abuses that do not and are not likely to exist.

There are no large industries and no mining undertakings, and so the question of forcing workers to work in such undertakings does not arise. There are no non-indigenous settlements.

There is no form of taxation to compel workers to seek employment with private undertakings. There are no laws to place workers in the service of others in a position of advantage as compared with that of other workers.

Sarawak.

The problems dealt with in the Recommendation have not arisen in Sarawak and are not likely to.

Large areas of land are held by the indigenous population both on the customary tenures and on the restricted title.

There is virtually no emigration. No restriction is imposed on voluntary flow of labour from one occupation to another. Taxation on rural population is very light, with no possibility of compelling persons to seek wage-earning employment. No forest concession is granted contrary to the rights of occupiers.

There are no pass laws and the vagrancy laws are very rarely used.

No authority is specifically entrusted with the supervision of measures to prevent indirect compulsion of labour and it has not been necessary to call for the co-operation of organisations of employers and workers.

No measures are intended to be taken to give effect to the provisions of the Recommendation not yet covered by national legislation or practice.

Singapore.

The State's Development Plan, 1961-64.

No action which constitutes a violation of the rights of man and free choice of labour has ever been or is contemplated.

Singapore faces an employment problem arising out of the high rate of population growth. The State's Development Plan is an attempt to solve this problem, through entrepôt trade and manufacturing industries—the two main economic activities of the State. However, it is the Government's intention to ensure that the transition of Singapore from a predominantly commercial centre into a manufacturing economy, envisaged in the Development Plan, takes place smoothly and efficiently within the framework of the political demands of a democratic system.

None of the forms of indirect compulsion as envisaged in Section II of the Recommendation is contemplated.

There are no restrictions on the voluntary flow of labour from one form of employment to another.

No measures to implement the provisions of the Recommendation are contemplated, as compulsion to labour does not exist in this State.

Solomon Islands.

Forests Ordinance, 1960.

Mining Ordinance, 1940.

Native Tax Ordinance (Cap. 32).

Land and Titles Ordinance, 1959.

The Forests Ordinance provides for the granting of timber concessions and the Mining Ordinance provides for mining leases. However, before any new industrial, mining or agricultural undertakings are encouraged to be set up, due consideration is given to the amount of labour available and the capacity for labour of the population.

Apart from some Gilbert and Ellice islanders settled in Western Solomon in 1956 there has been no non-indigenous settlement, nor is any envisaged at the moment. In the event of any being proposed, consideration would be given to the effect of such settlement on the indigenous population.

The Native Tax Ordinance provides for taxation but the rate of tax is such that it does not have the effect of compelling the population to seek wage-earning employment with private undertakings.

Far from imposing restrictions on the possession of land, the Government is taking steps to create security of tenure on land by means of Land and Titles.

Section 16 of the Preservation of Order Ordinance deals with vagrancy in the Protectorate. This section is rarely used as labour generally is scarce and employment readily available.

There are no pass laws in the British Solomon Islands Protectorate.

Parts III and IV of the Forests Ordinance provide that there shall be no exploitation of forest reserves or areas without the consent of the Chief Forestry Officer, which would not be given without due consideration of the principles mentioned in Section I (c) of the Recommendation.

Part III of the Mining Ordinance provides that there shall be no mining operations without the permission of the Mining Board, which would not be given without due consideration of Section I (a) of the Recommendation.

The Forests Ordinance is administered by the Chief Forestry Officer while the Mining Ordinance is administered by the Mining Board composed of government officials. There is no specific provision for the co-operation of organisations of employers and workers.

The need for further measures to implement the provisions of the Recommendation does not arise.

Southern Rhodesia.

Vagrancy Act, No. 40 of 1960.

Pass Laws (Repeal) Act, No. 50 of 1960.

Section I of the Recommendation : In Southern Rhodesia no measures are taken, legislative or administrative, which involve "indirect compulsion to labour which would lay too heavy a burden upon the population of" this territory. So far as the term "in a primitive stage of development" is concerned, this can only be applied to some of the tribal areas of Southern Rhodesia which have become industrialised over a period of some generations. There is adequate labour available, because over the past ten years there has been a considerable increase in the capacity or output of the workers. No sudden changes are contemplated, and the evil effects which too sudden changes of the habits of life and labour might have on the social conditions are factors which are taken into consideration. For example, when the Kariba Dam was built, the habits of life of the local tribesmen were not disturbed, and they were enabled to follow their normal habits of life in new areas because the Dam was built by a labour force which was already accustomed to working in an industrialised

economy. There is no legislation which has been enacted specifically to rule out indirect compulsion to labour. This is not necessary because, as has been stated, no such compulsive measures are taken; and, furthermore, both the Department of Native Affairs, set up under section 39 of the Constitution by Act of Parliament, Chapter 72, to "protect the interests of" the indigenous population, and the Department of Labour, have the duty of preventing such abuses.

Section II (a). Since the report rendered for the period ending 31 December 1948, the Native Tax Act has been abolished; but this was never considered to act as an inducement to seek work in wage-earning employment, as the amount of tax was so small. With the repeal of the Native Tax Act, with effect from 1 July 1960, the non-racial Personal Tax Act, 1961, was introduced, which is based on income. Furthermore, the Act expressly provides that "if the Governor is of the opinion that the majority of the persons resident in any area of the colony are engaged in farming and that their means are such that they could not, without undue hardship, pay the tax at the rate prescribed . . . he may by proclamation in the *Gazette* declare such area to be a prescribed area for the purpose of this Act". Copies of the Act and the Regulations made thereunder were attached to the report. *(b)* No restrictions are imposed on the possession, occupation or use of land as would render difficult the gaining of a living by independent cultivation. *(c)* The Vagrancy Act (Cap. 45), enacted in 1891, which was held not to extend abusively the generally accepted meaning of vagrancy, was repealed in 1960, and replaced by the Vagrancy Act, No. 40 of 1960, which also does not abusively extend the generally accepted meaning of vagrancy. Copies of the Act have already been submitted and copies of the regulations made thereunder are attached. *(d)* All pass laws were abolished in 1960 by the Pass Laws (Repeal) Act (Act No. 50, 1960), copies of which are attached.

No measures are necessary with a view to ensuring that effect is given to the Recommendation.

Swaziland.

Vagabondage and Vagrancy Law (Law No. 1 of 1881 of the Transvaal as applied to Swaziland).

The sharp increase over the past decade in the number of Swazis employed within the territory by undertakings employing more than 50 labourers does not appear to have had any evil effects on the social conditions of the indigenous population. On the contrary, internal economic development has reduced the dependence of Swazi work-seekers on outside migration. The demand for labour on the part of the large undertakings within the territory, which now employ perhaps 45 per cent. of the males of working age, is showing signs of levelling off.

Taxation of the indigenous population is nominal. There are no restrictions on the voluntary flow of labour and none on the possession, occupation, or use of land; there are no pass laws applying to indigenous inhabitants travelling within the territory. The meaning of vagrancy is restrictively defined in section 2 of the Vagabondage and Vagrancy Law as applying to persons who have neither a fixed place of residence nor means of subsistence, and who are not in the habit of carrying on a trade or calling.

The application of the legislation referred to is entrusted to administrative officers, courts of law, and the Swaziland police. All provisions of the Recommendation, without modification, appear to be covered by national legislation and practice.

Tanganyika.

Land Tenure Ordinance, Cap. 113 of the Laws.

Forest Ordinance, Cap. 389 of the Laws.

Mining Ordinance, Cap. 123 of the Laws.

There is a constant demand for paid employment from some sections of the indigenous population of Tanganyika, and a great need for agricultural, mining and industrial development. It is not considered that any increases which can at present be foreseen would cause a deterioration in social conditions. No land may be alienated without the consent of the local population, who are called to be present when the boundaries are settled. Their refusal can (up to 28 December 1961) be overridden by H.M. Secretary of State, but in practice such action would be most unusual.

Forest concessions are granted after local consultation, and always after consideration of the immediate local needs.

The power of Government to tax is not used, nor will it be used, in such a way as to compel people to seek wage-earning employment, nor is there any restriction upon the use of land for cultivation outside townships, except those measures taken by local authorities to forestall soil erosion and over-grazing. Vagrancy legislation is in accordance with what is generally accepted, and there are no pass laws. Consequently it is not proposed to take any further measures to give effect to the provisions of the Recommendation, or considered that any modifications are necessary.

Uganda.

Immigration Control Ordinance (Cap. 43 of 1951 Laws).

Vagrancy Ordinance (Cap. 47 of the Laws).

Penal Code, sections 162 and 163.

The policy of the Protectorate Government is geared to a free labour market in which all forms of indirect compulsion are ruled out. Large-scale industrial, mining and agricultural enterprises are few and their employees account for a very small proportion only of the working population. The Immigration Control Ordinance, which applies only to non-Africans, ensures the most stringent control over entry into Uganda, and the Government's land policy ensures that concessions to large-scale enterprises are granted only in the most exceptional circumstances and even then are subject to rigorous safeguards.

Personal taxes in all districts are levied by African local governments, except for a small residual poll tax, which accounts for less than 10 per cent. of the total direct tax; land occupation and use is restricted only by tribal and customary practice and there is vacant agricultural land in all areas with the possible exception of Kigezi District.

There are no restrictions whatsoever on the free voluntary flow of labour between jobs and between districts.

Zanzibar.

Agricultural Fires Decree No. 8 of 1959.

Forced or Compulsory Labour (Prohibition) Decree (Revised Laws of Zanzibar, 1934, Cap. 131).

Zanzibar Rural District Administrative Authority Order, 1960.

Zanzibar Urban District Administrative Authority Order, 1960.

Section 9 (2) of Agricultural Fires Decree No. 8 of 1959 empowers authorised persons to call upon males of a specified age to aid in the extinguishing of fires. The work so done, however, is excluded by legislation (section 2 (a) and (c) of Cap. 131) from the definition of forced or compulsory labour.

The Zanzibar Rural District and Urban District Authority Orders (section 3) provide that any person who cultivates, herds or grazes animals or erects any structure upon any land without the written permission of the owner, shall be guilty of an offence. This has imposed some measure of restriction on the occupation and use of land, and to a certain degree has the effect of rendering difficult the gaining of a living by independent cultivation.

The authorities entrusted with the supervision of the application of the legislation are police, administrative, Mudirial¹ and agricultural officers, and Mashehas [headmen].

The need for measures to implement the provisions of the Recommendation does not arise.

UNITED STATES

The practices not recommended for use in the Recommendation are not in use in the United States, the territories under its sovereignty or the Trust Territory of the Pacific Islands. The prohibition against forced labour enunciated in the 13th Amendment to the United States Constitution and supported by statutes and court decisions applies to the indirect as well as the direct compulsion to labour prohibited by this Recommendation.

See also under Convention No. 29.

UPPER VOLTA

See under Convention No. 105.

VIET-NAM

The principles followed by the Government in regard to economic policy or the employment of labour are in accordance with the provisions of the Recommendation; the Central Manpower Board, which includes the various services for employment questions, arranges placing and occupational training.

The economic development plan concerns primarily the creation of small industries, the modernisation of agriculture, and the extension of installations of an industrial nature. Agrarian reforms help to supply permanent employment for the land population, for whom, under Order No. 57 of 24 October 1956, ownership of land is facilitated.

There is no limitation on the internal movement of workers.

The delinquency of vagrancy is recognised, having regard to the existence of certain restrictive factors: lack of homes, means of existence and occupation, and wilful offence on the part of the individual.

YUGOSLAVIA

The Government indicates that the provisions of the Recommendation have been outstripped by the social and economic development of Yugoslavia and that consequently they are not applicable in that country.

¹ Mudirs are officials responsible for maintaining order within their areas, subject to the directions of the District Commissioner.

FORCED LABOUR (REGULATION) RECOMMENDATION, 1930 (No. 36)

ARGENTINA

See under Recommendation No. 35.

BOLIVIA

There are no provisions regulating forced labour, as this does not exist in Bolivia.

BRAZIL

Article 141 (2) of the Constitution of 1946 provides that “ no one may be obliged to do or refrain from doing anything except by virtue of the law ”.

Since there is no law defining or authorising forced labour as defined in Convention No. 29, the principles set forth in the Recommendation are without object and no particular measure is necessary to give effect to this instrument.

BURMA

The government departments and the organisations concerned possess the texts of the Recommendation for their guidance. The former are being asked if they have any administrative orders regulating the use of forced labour.

The provisions of the Recommendation are regarded as appropriate for federal action.

BYELORUSSIA

See under Convention No. 105.

CAMEROUN

See under Convention No. 105.

CANADA

See under Convention No. 29 and Recommendation No. 35.

CEYLON

See under Recommendation No. 35.

CHAD

See under Recommendation No. 35.

CHILE

No legislation exists in Chile in this field, as forced or compulsory labour is not used.

Nothing is known of any intention to adopt measures to give effect to this Recommendation.

CHINA

See under Recommendation No. 35.

COSTA RICA

There being no authorised form of forced or compulsory labour in this country it has not been necessary to promulgate legislation or adopt measures to regulate such work.

If any official, employee or authority were to exact forced labour on his or its own initiative or in obedience to orders from superiors, the aggrieved person or his legal representative would be entitled to lodge an appeal for protection of rights in accordance with Act No. 1161 dated 2 June 1950. Furthermore, if the party responsible is a private individual, section 242 of the Penal Code becomes applicable; this provides that " whoever reduces another to servitude or a similar condition by any means whatsoever, and whoever receives and keeps another in such condition, shall be liable to 4 to 10 years' imprisonment ".

There is no need to modify the national legislation to give effect to the provisions of this Recommendation.

CUBA

No system of forced labour exists in Cuba.

Article 60 of the Fundamental Law establishes that work is an inalienable right of the individual and that the State shall employ whatever means are in its power to provide work for any person needing it and shall ensure that every manual or intellectual worker enjoys the economic conditions necessary for a proper existence.

There are no laws or regulations concerning the questions covered by the Recommendation, because in Cuba work is regarded as a right and nobody can be compelled to work.

No Native population exists in the country and the Spanish language only is spoken throughout the national territory.

CYPRUS

Prison Regulations (Regs. 27, 91, 106, 133 and 134).

Forests Law (Cap. 60, section 18).

Government Water-Works Law (Cap. 341, section 27).

Workmen's Compensation Law (Cap. 188).

Section I of the Recommendation. The Workmen's Compensation Law also applies to workers who may be taken for work under the Forests Law and the Water-Works Law. It further applies to prisoners subject to hard labour, in regard to incapacity resulting from accidents, if the accident occurred while they were engaged on such labour.

The Government states that so far the above-mentioned laws have not been translated into the two national languages, but that such translation will be provided in due course. A copy of the texts so translated will be distributed to the workers concerned; at present these two texts are explained to them orally.

Section II. The provisions enabling recourse to forest labour refer only to cases of forest fires and interruptions in water supplies. In the former case the population

is only too willing to help in fire-fighting; in the latter case this provision has so far not been used. In any case, forced labour regulations have never imperilled the food supply of the community.

Section III does not apply in Cyprus.

Section IV. In the case of forest fires the necessary equipment is transported by animals or motor vehicles.

Section V does not apply to Cyprus.

DENMARK

Reference is made to previous annual reports respecting Convention No. 29 in which the Government indicated that forced or compulsory labour within the meaning of the Convention does not exist in Denmark.

ECUADOR

See under Convention No. 105.

FINLAND

The Government states that as forced or compulsory labour, as defined by Convention No. 29, does not exist in Finland, the Recommendation has not had any direct importance for this country and consequently has not given rise to any measures. (See also under Conventions Nos. 29 and 105, ratified by Finland.)

FEDERAL REPUBLIC OF GERMANY

The provisions contained in the Recommendation do not apply in the Federal Republic. (See also Recommendation No. 35.)

GHANA

See under Recommendation No. 35.

GREECE

See under Convention No. 105.

GUATEMALA

See under Convention No. 29.

As the laws of the Republic do not authorise forced labour, except in cases envisaged in the Military Code and in the Public Order Act, no legislative measures exist in Guatemala for the regulation of forced labour.

GUINEA

The Recommendation does not apply. (See under Convention No. 105.)

HAITI

See under Recommendation No. 35.

HONDURAS

Since the adoption of the new Constitution of the Republic on 21 December 1957 and the new Labour Code of 19 May 1959, it may be stated categorically that, owing to the individual and social guarantees contained in both these texts, forced or compulsory labour is explicitly forbidden.

Should a situation arise in which recourse to forced or compulsory labour is favoured, the individuals concerned may legally ask for the situation to be remedied. (See also Recommendation No. 35.)

HUNGARY

See under Recommendation No. 35.

INDIA

Panchayat Acts.

Irrigation Acts.

Compulsory Labour Acts of the State Governments.

Naga Hills District (Requisition of Porters) Regulation No. 11 of 1953.

The state governments administer the legislative Acts which provide for the requisition of the services of the local populations. In exercising their powers, however, state governments must respect the fundamental rights guaranteed by the Constitution (which, *inter alia*, prohibits the use of forced labour except for certain public purposes) and the international commitments of the Union Government, which co-ordinates all state activities of this kind.

The only type of compulsory labour at present utilised in India is that exacted under the Panchayat Acts, Irrigation Acts and Compulsory Labour Acts of the state governments, as a minor communal service or a normal civic obligation. The texts of these Acts and the Rules and Regulations thereunder are invariably published in the regional languages concerned and given wide publicity. Copies are also made available for sale at nominal prices.

The requisition of labour on a compulsory basis under the Acts mentioned above does not in any way imperil the food supply of the community. With an exception in one state (Orissa) the practice does not extend to women and children. There is generally no recourse to forced or compulsory labour for the transport of persons or goods; active consideration is being given to the suggestion of the Committee of Experts that the one district regulation authorising compulsory portage be suitably modified. Persons engaged on compulsory labour are not exposed to alcoholic temptations; the states are working to bring their policy into line with article 47 of the Constitution of India, which enjoins them to endeavour to prohibit all consumption of alcoholic drinks.

The existing Acts are being examined in the light of the observations made in 1960 by the Committee of Experts and appropriate action is being initiated.

IRAQ

See under Convention No. 29.

IRELAND

See under Recommendation No. 35.

ISRAEL

The report states that there is no forced or compulsory labour in Israel and that the relevant legislation has been duly published in the Official Gazette.

The Ministry of Justice, the police and the law courts are supervising the enforcement of the relevant legislation.

ITALY

The Recommendation does not apply. (See under Convention No. 105.)

IVORY COAST

The Recommendation does not apply in this country. (See under Convention No. 105.)

JAPAN

See under Recommendation No. 35.

LUXEMBOURG

See under Convention No. 29.

FEDERATION OF MALAYA

There is no forced labour, in whatever form, in the Federation of Malaya.

MAURITANIA

Section 2 of the Labour Code strictly prohibits forced labour and section 228 of the Code provides penalties in the form of a fine and imprisonment for persons contravening the provisions of section 2. In practice, no case of forced labour has been brought to the notice of the authorities since the above-mentioned law was passed. Consideration might perhaps be given to translating the texts on forced labour, sickness and workmen's compensation insurance into Arabic in order to give effect to the provisions of the Recommendation.

MEXICO

As explained in the report submitted under article 22 of the I.L.O. Constitution, covering Convention No. 29, forced or compulsory labour does not exist in the Mexican Republic, being contrary to the Constitution.

There exist in Mexico the National Indigenous Institute, the Directorate of Indigenous Affairs and the National Institute of Anthropology and History, all responsible for instructing the Natives of this country in its official language and culture with a view to incorporating them in the collective life of Mexico. The only works printed in the native language are spelling-books for teaching Spanish, stories and narratives. Legal matters, even in publications issued by specialised agencies, such as the National Indigenous Institute, appear only in Spanish.

As compulsory labour does not exist in Mexico, there is no agency dealing with the application of legislative or regulatory measures in this field.

All the provisions referred to in the present Recommendation are included in the laws of the country.

The federal Government will bring the text of this Recommendation to the notice of the state authorities.

MOROCCO

See under Convention No. 105.

NETHERLANDS

The provisions of the Recommendation do not apply in view of the situation in the Netherlands.

Netherlands New Guinea.

See under Recommendation No. 35.

Netherlands West Indies.

No form of forced labour exists other than that required under a legal sentence.

Surinam.

Article 2 of the Civil Code.

Article 14 of the Penal Code.

No forced labour exists in Surinam with the exception of that required under a judicial sentence. The supervision of such work is the responsibility of the authorities of the Prisons Service and its inspectors.

The fact that no supplementary penal provisions exist on this subject is not regarded in Surinam in any way as a deficiency in legislation, since public opinion is strongly opposed to any form of forced labour and this would, therefore, not find approval.

Should the need arise at a later date, suitable measures will be taken, in which case the fullest possible account will be taken of the provisions of the Recommendation.

NEW ZEALAND

Forced or compulsory labour within the terms of the definition of Convention No. 29 does not exist in New Zealand, and the Recommendation is accordingly inapplicable.

Cook Islands.

Forced or compulsory labour within the terms of the definition of Convention No. 29 does not exist in any of the non-metropolitan territories of New Zealand. This Recommendation is accordingly inapplicable.

Tokelau Islands.

See under *Cook Islands*.

Western Samoa.

See under *Cook Islands*.

NIGER

See under Convention No. 105.

NIGERIA

Labour Code Ordinance Cap. 91 (1958 Revised Edition).

Labour (Eradication of Noxious Weeds) Regulations 77 of 1955.

In addition to giving effect generally to the provisions of the Recommendation, Chapter V of the Labour Code Ordinance specifically prohibits forced labour within the meaning of forced labour Conventions and lays down penalties for offences against its provisions except where such exaction is made under sections 120 and 122.

The Labour (Eradication of Noxious Weeds) Regulations, which were issued under sections 120 and 122 of the ordinance, make provisions for the exaction of forced labour to take necessary measures for the purpose of the eradication of noxious weeds, subject to the direction of the competent authority. They also ensure that the opportunity for food and rest is guaranteed; that only able-bodied males of between 18 and 45 years are called upon to work; that the percentage of such males from one village or town does not exceed 50 and that they are not required to work for more than six weeks in any period of one year. They also contain provisions for lodging complaints and for the publication of directions and requirements in languages understandable to the person concerned.

For information as to the authorities entrusted with the supervision of the application of the legislation see under Recommendation No. 35.

NORWAY

See under Recommendation No. 35.

PAKISTAN

The report states that forced labour does not exist in Pakistan; hence the question of having any legislative, administrative or practical provisions in regard to the matters dealt with in the Recommendation does not arise.

The Recommendation is being examined with a view to determining the possibility of its acceptance.

POLAND

All forms of compulsory labour have been entirely abolished in Poland.

See under Conventions Nos. 29 and 105, both of which have been ratified by Poland, for detailed information regarding labour legislation and practice.

PORTUGAL

See Recommendation No. 35.

It is not thought necessary to publish the legislative texts on the subject in the native language, as all workers speak Portuguese. Moreover, the authorities explain to the workers their rights and obligations at the time work contracts are signed.

The law of the country forbids recourse to compulsory labour for private purposes, and recourse thereto for public purposes must be in accordance with the provisions of paragraph 2 of Article 2 of Convention No. 29. It may be noted that work for public purposes forms part of the civic obligations of all Portuguese. Just as a "labour tax" exists in metropolitan Portugal, being regulated by the Administrative Code, in the overseas provinces the administrative authority may resort to certain forms of labour covered by article 296 of the Indigenous Labour Code.

The law of the country explicitly forbids recourse to forced labour of women and children when recruiting staff for the transport of passengers or goods.

As the labour inspection services have only recently been set up, it is not possible to send copies of reports on these services.

The application of the provisions in this field is entrusted to the labour inspection services, which provide information and guidance for workers and undertakings (including the concessionaires of public services) and also deal with the punishment of offences (section 1 of Decree No. 43657). In pursuance of section 3 of the same decree, the inspection services must collaborate with the co-operating agencies and with the employers and workers and furnish them with any information and explanations which may be required in regard to social legislation.

The law of the country guarantees the application of Recommendation No. 36, and it is therefore unnecessary to make any change therein.

Angola, Cape Verde Islands, Portuguese Guinea, Portuguese India, Macao, Mozambique, St. Tomé and Príncipe, Timor.

See above, *Portugal*.

RUMANIA

Forced labour is not practised in Rumania in any form; consequently there are no legal provisions applicable to the Recommendation.

SENEGAL

See under Convention No. 105.

REPUBLIC OF SOUTH AFRICA

There are no systems of forced labour other than that provided for in the penal system applicable in the Republic of South Africa and in South West Africa. This aspect is dealt with in the report on Convention No. 29.

SPAIN

See Convention No. 105.

The conditions of forced labour to which the Recommendation refers do not exist.

SWEDEN

See previous annual reports under article 22 of the Constitution of the International Labour Organisation on Conventions Nos. 29 and 105.

SWITZERLAND

As forced labour is forbidden under Swiss law, no regulations exist on the subject.

TUNISIA

The provisions of the Recommendation are covered by the laws or custom of the country. (See also under Convention No. 29.)

TURKEY

The Government states that forced or compulsory labour as defined in this Recommendation does not exist in Turkey. (See also under Convention No. 29 and Recommendation No. 35.)

UKRAINE

See under Convention No. 105.

U.S.S.R.

See under Convention No. 105.

UNITED KINGDOM

See under Recommendation No. 35.

Aden.

There is no forced labour in the colony of Aden. Convention No. 105 is fully applied, and the provisions of this Recommendation are not applicable to the colony.

Antigua.

There is no legislative sanction against use of forced labour as it is not considered necessary. The only form of forced labour that exists in the colony is at the prison, where prisoners are required to do light agricultural labour and are also taught to work at a trade during the period of their confinement.

The report states that, as the present practice conforms with the provisions of the Recommendation, it is not intended to take any measures to prohibit forced labour.

Bahamas.

See under Recommendation No. 35.

Barbados.

See under Recommendation No. 35.

Bechuanaland.

See under Recommendation No. 35.

Bermuda.

Forced labour ceased to exist in Bermuda with the abolition of slavery by the Emancipation Act, 1834.

There are no special legislative, administrative or practical provisions in regard to the matters dealt with in the Recommendation and no measures are considered to be necessary to give effect to its provisions.

Brunei.

The provisions of the Recommendation are enforced by the administrative branch of the Government with particular reference to section 374 of the Penal Code which proscribes unlawful exaction of forced or compulsory labour on pain of imprisonment for a term which might extend to one year.

Since forced or compulsory labour is not resorted to, the observance of the principles of the Recommendation is automatic and, therefore, does not require elaborate administrative machinery to suppress it.

No modifications of the Recommendation are necessary in adopting or applying it.

Falkland Islands.

See under Recommendation No. 35.

Fiji Islands.

Fijian Affairs Regulations.

Labour Ordinance.

Liquor Ordinance.

Regulations 5, 6, and 13 of the Fijian Affairs Regulations, which provide for the rendering of certain communal duties, have been translated into the Fijian language and copies are available at cost price and may be examined at all provincial headquarters.

On the rare occasions on which any Fijian falls sick or is injured while engaged in communal work, he will be provided for by those members of the community for whom he was working, or receive free hospitalisation.

The food supply of Fijian communities is never imperilled by the rendering of these communal services, for Regulation 12 provides for the compulsory planting of food crops to ensure the subsistence of each member.

The Labour Ordinance regulates the employment of children and other young persons.

The form of transport of Fijian officials is usually horse or boat (Regulation 6). In addition, persons may have to convey sick persons and to carry official letters or messages.

Under the Liquor Ordinance, it is an offence for any male Fijian or Indian to supply or drink any liquor other than beer, unless he has been granted a certificate of exemption. It is against Fijian custom and tradition to supply alcohol to workers engaged in communal services.

Regulation 13, which provided that a chief would be able to demand the personal services of his people for specific purposes, was repealed on 20 April 1961 and Fijian provincial councils, to be held at the end of 1961, are to consider other proposed amendments of the Fijian Affairs Regulations relative to the compulsory transport of persons and goods.

Gibraltar.

It has not been possible to trace any legislation, regulation or practice in operation in Gibraltar since 1883 which empowers any authority to require from any person forced or compulsory labour as defined in Article 2 of Convention No. 29, and certainly there is no such legislation, regulation or practice in operation at present. It has not, therefore, been necessary to make any provision in regard to the matters dealt with in the Recommendation. The sole effect of the application of the Recommendation to Gibraltar is that the Government undertakes to be guided by the principles set out in this Recommendation.

Gilbert and Ellice Islands.

Forced or compulsory labour is expressly forbidden by section 57 of the Labour Ordinance, which exempts from such prohibition the types of works mentioned in Article 2 (2) of Convention No. 29.

There has thus been no necessity to enact any further legislation to give effect to the dispositions of the Recommendation.

Guernsey.

See under Recommendation No. 35, *United Kingdom*.

British Guiana.

There is no form of forced labour in British Guiana and therefore no necessity arises for any legislative, administrative or practical provisions of the type contemplated in the Recommendation. (See also under Recommendation No. 35.)

British Honduras.

Labour Ordinance No. 15 of 1959.

Section I of the Recommendation. Provision exists under the Labour Ordinance, 1959 (No. 15), for the application of this Section of the Recommendation.

Under section 61 (1) of the ordinance, the Labour Commissioner is required to prepare concise summaries of the ordinance in English and a language known to the workers.

The Labour Department is entrusted with the supervision of the application of the legislation. The Department maintains close collaboration with the organisations of employers and workers on all matters affecting workers.

Inasmuch as no form of forced or compulsory labour has existed in British Honduras since the abolition of slavery in 1831, there appears to be no need for any further measures with regard to the rest of the Recommendation.

Hong Kong.

Compulsory Service Ordinance, 1957.

Prison Rules, 1954.

There has never been any forced labour in Hong Kong and the introduction of legislation to prohibit it has not been considered necessary. The Government has recently stated its intention of abolishing compulsory military service by suspending the Compulsory Service Ordinance, 1957.

Compulsory labour in Hong Kong is confined to convicted prisoners who, to a very limited extent, are required to undertake work of a public nature under the supervision of the Commissioner of Prisons and subject to the approval of the Governor in council. *Ex gratia* compensation is granted to prisoners injured while engaged on prison work.

Conditions of work of convicted prisoners are governed by the Prisons Rules, 1954, administered by the Commissioner of Prisons, who may consult the Commissioner of Labour on technical matters concerning safety precautions. These are considered adequate safeguards to ensure that there is no illegal employment of women and children on compulsory labour.

Under the Compulsory Service Ordinance, 1957, shortly to be repealed, compulsory labour is confined to prison labour. Section II of the Recommendation is inapplicable and the existing requirements of approval by the Commissioner in council in respect of prison labour is considered sufficient to ensure the observance of Sections III, IV and V.

Jersey.

See under Recommendation No. 35, *United Kingdom*.

Kenya.

Penal Code, 1930 (*Laws of Kenya*, Cap. 24). Compulsory National Service Ordinance, No. 19 of 1951.

Native Authority Ordinance (Cap. 97), as amended by Ordinance No. 43 of 1952.

African District Councils Ordinance, No. 12 of 1950 (revised edition, 1959).

African District Council (Minor Communal Services) By-Laws.

Preservation of Public Security Ordinance, No. 2 of 1960.

The legislation regulating and providing for forced labour for particular types of work and under prescribed conditions is all printed in the English language in the Laws of Kenya. Where by-laws calling for forced labour are promulgated under the African District Councils Ordinance, such by-laws are published in both English and the vernacular. Section 40 (4) of this ordinance requires that any person shall be entitled to a copy of any by-law upon payment of the fee fixed by the Council, and such fees, if actually charged, are nominal. Section 40 (2) of this ordinance requires that the substance and effect of all by-laws shall be communicated to the inhabitants of the area affected thereby in such manner as the Provincial Commissioner may determine, and as a result these by-laws are made available to locational councils, who convey their import verbally to the inhabitants, or are publicised at meetings held by government chiefs and headmen. Similar procedures are followed (though not required by law) in connection with compulsory labour exacted under the Preservation of Public Security Ordinance and the Native Authority Ordinance as amended.

It is axiomatic that the Provincial Administration and the local authorities in any area should not have recourse to forced or compulsory labour, where that proves necessary, in a manner which would imperil the food supply of the community concerned. The relevant provisions of the African District Councils Ordinance (sections 2 and 36) and the Native Authority Ordinance (sections 10, 10 A to 10 D) ensure that work will be exacted only from males of 18 years or over, that it will be limited to 24 days in any one year, and that care will be taken that the burden on any community shall not be too heavy. In one exceptional case, that of compulsory labour required under section 10 B of the Native Authority Ordinance, the limit is set at 60 days in any one period of 12 months (section 10 C/17), but this limit is never in practice approached.

The strictest supervision by the Provincial Administration ensures that the imposition of forced or compulsory labour in no case leads indirectly to the illegal employment of women and children on such work. Chiefs authorised to require performance of compulsory labour are employees of the Central Government and are under suitable discipline, while the provisions of sections 98, 101 and 261 in the Penal Code (as well as the statutory limitations as to sex and age referred to above) adequately prohibit abuses of the nature envisaged in Section III of the Recommendation.

There are no longer any legislative provisions empowering the authorities to exact compulsory labour for the transport of persons or goods, and such compulsory work has not been utilised during the past decade. Section 72 (1) (*aa*) of the Employment Ordinance (Cap. 109) prohibits the payment of wages to an employee on any premises licensed for the sale of alcohol; general supervision by the Provincial Administration ensures that no alcoholic temptations are placed in the way of workers engaged in forced or compulsory labour.

The supervision of the application of the legislation and regulations or orders dealing with the exaction of forced or compulsory labour is entrusted to the Provincial Administration and, in the case of work on minor communal services, to the chiefs working under the direction of the Administration. While the occasion does

not normally arise to consult workers' and employers' organisations concerning resort to such compulsory labour, machinery exists for close consultation between the Government and these organisations on labour matters in general, and these organisations have members on the territory's Labour Advisory Board.

It is considered that the legislative and administrative measures already applied in Kenya give adequate effect to the provisions of the Recommendation.

Malta.

Criminal Code (Cap. 12 of the Laws).

Section 264 of the Criminal Code makes reference in generic terms of the use of violence to compel a person to do, suffer or omit anything and declares such violence illegal, with a penalty ranging from five months to three years' imprisonment. (See also under Recommendation No. 35.)

Isle of Man.

See under Recommendation No. 35, *United Kingdom*.

Mauritius.

Penal Code Ordinance.

Courts Ordinance (Cap. 168, 1945 Edition of the Laws).

Although there is no legislation specifically prohibiting forced or compulsory labour, the use of force or threats to compel any person to perform a work or service would be contrary to law. See sections 228 to 231 of the Penal Code and section 132 of the Courts Ordinance. The penalties provided for in these ordinances are adequate and they are strictly enforced.

North Borneo.

Penal Code (Ordinance No. 3 of 1959).

Native Rice Cultivation Ordinance (Cap. 87).

Rural Government Ordinance (Cap. 132).

Compulsory labour is prohibited by section 374 of the Penal Code which reads: "Whoever unlawfully compels any person to labour against the will of that person shall be liable to imprisonment for one year and to a fine of \$2,000." However, according to section 5 of the Native Rice Cultivation Ordinance and section 40 of the Rural Government Ordinance, certain persons may be required to labour for the purposes of safeguarding the production of locally grown rice and for the prevention of famine. Such labour is not within the definition of "forced or compulsory labour" given in Article 2 of Convention No. 29. These provisions are of many years' standing and are well known to the persons affected by them. Vernacular translations of the two ordinances are being prepared and distributed in the manner provided for in the Recommendation. Labour exacted according to the above-mentioned ordinances does not apply to women and children; does not include the use of human labour for transport where animal or mechanical transport is available; and no alcoholic temptations are placed in the way of any person who may be involved.

The application of the above provisions is entrusted to chiefs and local authorities representative of the people affected, under the general supervision of the district administration.

The provisions of the Recommendation are already fully covered by legislation and practice.

Northern Rhodesia.

Native Beer Ordinance (Cap. 168), section 7 (2).

Native Authority Ordinance (Cap. 157), section 8 (5).

Barotse Native Authority Ordinance (Cap. 159).

Employment of Natives Ordinance (Cap. 171), section 10 (4).

These ordinances are only likely to be applied in the most remote rural areas, where no alternative arrangement for public works is available.

Section I of the Recommendation. Chiefs and headmen make the law on the subject made known to the people.

Section II. When recourse to forced labour in these areas is made, food supplies are imported when necessary.

Section III. Although there is no legal provision to exclude women and children from forced labour, in practice neither category is affected.

Section IV. Wherever animal or mechanical transport is available, this is used without recourse to compulsory labour.

Section V. By section 10 (4) of the Employment of Natives Ordinance, Cap. 171, all wages of any employees must be paid in cash and by virtue of the Native Beer Ordinance no beer can be supplied as rations to a Native, unless the employer is in possession of a permit, and even then no deduction can be made from wages.

The provisions of the ordinance are implemented by the Provincial Administration and subject to such direction as the Governor may make from time to time. Organisations of employers and workers are not called upon to assist in the application of these ordinances. It is not intended to implement the terms of Section I because of the multiplicity of dialects in Northern Rhodesia.

Nyasaland.

Native Authority Ordinance, Cap. 73 of the Laws of Nyasaland, 1957 Edition, sections 9 and 10.

Penal Code, Cap. 23 of the Laws of Nyasaland, 1957 Edition, section 269.

Under the Native Authority Ordinance, subject to the discretion of the Governor, a Native Authority may issue orders to be obeyed by Africans for cultivation of the land to secure adequate supply of food or where he is of opinion that a shortage of food is such that a famine exists or is likely to ensue.

The orders must be made known to the Africans in customary manner.

The Provincial and District Commissioners have similar powers.

The Penal Code provides that forced labour is unlawful.

Section 10 of the ordinance providing for compulsory cultivation appears to be excluded from the scope of Convention No. 29 and no change is contemplated in the legislation.

St. Christopher-Nevis-Anguilla.

In the territory there is no law or custom permitting the exaction of forced or compulsory labour, as defined by the Forced Labour Convention, 1930 (No. 29), otherwise than as stated under Article 2 (2) (c).

St. Helena.

There is no local law in operation in regard to the matters dealt with in the Recommendation, but these were covered by the laws and practices of England which were followed.

No further measures are necessary in order to give effect to the provisions of the

Recommendation and no modifications have been, or are expected to be, found necessary.

St. Lucia.

The principles of the Recommendation are inapplicable to the territory, since the laws and national practice precludes any form of forced or compulsory labour.

St. Vincent.

See under Recommendation No. 35.

Sarawak.

The Penal Code.

The law does not permit forced or compulsory labour under any consideration.

No instance of forced or compulsory labour has at any time been reported in Sarawak.

Section 374 of the Penal Code states that: "Whoever unlawfully compels any person to labour against the will of that person, shall be guilty of an offence. Penalty, imprisonment for one year and a fine of \$2,000."

No specific authority has been entrusted with the supervision of the application of the legislation nor has it been necessary to call upon organisations of employers or workers to co-operate in its application.

The need for measures to implement the provisions of the Recommendation does not arise.

Singapore.

Penal Code (Cap. 119).

Forced labour is unknown in this territory. Section 374 of the Penal Code reads: "Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment which may extend to one year or with a fine or with both." In view of this provision there has never been any need to issue regulations in application of the Convention governing forced labour or compulsory labour.

No forced or compulsory labour under Section II of the Recommendation has been exacted.

Occasion has never arisen under Section III of the Recommendation.

No form of forced or compulsory labour has been exacted under Section IV of the Recommendation.

Occasion has never arisen under Section V of the Recommendation.

The State Advocate-General is the authority entrusted with the application of section 374 of the Penal Code, and enforcement thereof is made by the Commissioner of Police through the courts of law.

In view of section 374 of the Penal Code the need for measures to implement the provisions of the Recommendation does not arise.

Solomon Islands.

Labour Ordinance, 1960.

Native Administration Ordinance, 1947.

Part VII of the Labour Ordinance makes the exaction of forced labour an offence otherwise than: (a) consequent on a conviction; (b) in an emergency; (c) in minor communal work exacted in a Native Council Resolution (there have been no such resolutions in the two years ending 31 December 1960); and (d) in work performed

in accordance with native law and custom (all such forms of labour are dying out).

The Commissioner of Labour, assisted by the District Commissioner and district officers, is entrusted with the supervision of the Labour Ordinance.

The need for measures to implement the provisions of the Recommendation does not arise.

Southern Rhodesia.

As stated in reports on Convention No. 29, to which this Recommendation relates, no forced labour within the meaning of that Convention exists in Southern Rhodesia.

The Recommendation regulates conditions in cases where recourse is had to forced labour as envisaged in Articles 7 to 19 of Convention No. 29. There is no such recourse to forced labour in Southern Rhodesia, hence no measures are necessary or contemplated for the implementation of the Recommendation.

Swaziland.

Native Administration Proclamation (No. 79 of 1950).

No form of forced or compulsory labour is authorised in Swaziland. The minor communal services which may be levied under the Native Administration Proclamation (No. 79 of 1950) are considered to fall outside the scope of Convention No. 29. No legislative or administrative regulations exist which specifically apply the provisions of this Recommendation. The common law relating to the crime of extortion has been sufficient to deal with any unauthorised attempt at exaction of forced labour; it is hoped to make the position abundantly clear by expressly prohibiting the exaction of forced labour in a new draft Employment Proclamation which is at present under consideration.

The application of the common law is entrusted to administrative officers, courts of law, and the Swaziland police. All provisions of the Recommendation appear to be met in practice, without the necessity of specific legislation.

Tanganyika.

The Employment Ordinance (Cap. 366) (*L.S.* 1955—Tan. 1) as amended by the Employment (Amendment) Ordinance, No. 10 of 1960.

The Employment (Forced Labour) Regulations, 1957 (Government Notice No. 150 of 1957).

The Employment (Care and Welfare) Regulations 1957.

The Workmen's Compensation Ordinance (Cap. 263).

The Accidents and Occupational Diseases (Notification) Ordinance (Cap. 330).

The legislation restricting forced labour has not been translated into Swahili because of consistent legal advice over many years against the attempt to translate any laws. The construction of legal English is governed by rules which have been built up over centuries: no such rules exist in any local vernacular language and therefore, apart from the difficulty of finding exact equivalents, any translation would be imprecise and would create more difficulties than it solved. Verbal explanations are given by government officers.

The Employment Ordinance only allows the imposition of forced labour upon the condition, *inter alia*, that "the work or service will not lay too heavy a burden on the community concerned, having regard to the labour available and its capacity to undertake the work".

Forced labour may only be imposed upon adult males for public purposes.

The main use of forced labour in the past few years has been for the transport of goods. No use is made of such labour where other means of transport are available.

From the nature of the work for which forced labourers are engaged, no alcoholic temptations can be placed in their way.

The Government of Tanganyika desires to discontinue the use of forced labour completely. An administrative instruction to this effect has been issued.

The authority responsible for the supervision of the application of this legislation is the Labour Commissioner. Organisations of employers and workers may be called upon to co-operate through their respective federations.

The Government considers that the provisions of the Recommendation are fully covered by national legislation and practice. No useful purpose would be served, particularly as forced labour is rapidly falling into disuse, by vernacular translations of the relevant legislation. Apart from this, it is not considered that any modification of the Recommendation is required.

Uganda.

The cessation of the use of compulsory labour by the Protectorate Government makes Section I of the Recommendation inapplicable. It would be an impracticable provision for application to the exaction of labour for minor communal services levied by chiefs in pursuance of their customary authority.

Women and children below the age of 18 are exempt from direct taxation under present legislation, both central and local, from compulsory labour, and from the exaction of labour by chiefs for minor communal services.

Compulsory labour for portage, although provision for it still exists under section 7B, paragraph (9) (a), of the African Authority Ordinance, is now obsolete.

The report adds that Sections II and V of the Recommendation are noted.

Zanzibar.

See under Recommendation No. 35.

UNITED STATES

Constitution (Thirteenth Amendment).

The Government refers in this report to the one it submitted in 1950, in which it stated that by virtue of the provisions of the 13th Amendment to the Constitution of the United States and the legislation implementing the Amendment, the United States clearly conforms with the principles enunciated in the Recommendation. The Constitution and the Public Laws of the United States are circulated widely and continuously among the people of the United States and its non-metropolitan territories, and there is no question but that knowledge of the Constitution and of the laws passed thereunder is available to workers within the intent of this Recommendation.

The recent report states again that the United States fully complies with the terms of the Recommendation. The terms of the Recommendation are, in fact, inoperative in the United States and its non-metropolitan territories, since the conditions envisaged by the Recommendation are non-existent due to the prohibitions contained in the 13th Amendment and its implementing legislation.

(See also under Convention No. 29.)

UPPER VOLTA

See under Convention No. 105.

VIET-NAM

The text of the Recommendation, the provisions of which are extensively applied in Viet-Nam, has been sent to the various departments concerned in order to co-ordinate any action to give effect to the provisions of Convention No. 29. (See also under Convention No. 105.)

YUGOSLAVIA

See under Convention No. 105.

REPORT III
(PART II)

International Labour Conference

FIFTIETH SESSION
GENEVA, 1966

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)

Labour Inspection

GENEVA
International Labour Office
1966

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 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 three following instruments dealing with labour inspection: the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection Recommendation, 1947 (No. 81), and the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82). Reports on these instruments were previously requested, under article 19 of the Constitution, for 1950 and 1956; summaries of the reports then supplied were submitted to the International Labour Conference in 1951 and 1957.¹

The governments of member States were requested to send their reports to the International Labour Office before 1 July 1965. 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 1965.

It should also be noted that summaries of the reports supplied pursuant to article 22 of the Constitution by States which have ratified the above-mentioned Convention are presented to the Conference each year.²

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 50th (1966) Session, will include general conclusions of the Committee on the reports regarding the above-mentioned Convention and Recommendations.

¹ These summaries are contained in Report III (Part II) prepared for the 34th and 40th Sessions of the International Labour Conference.

² These summaries have been submitted to the Conference, in the case of the Labour Inspection Convention, 1947 (No. 81), from the 34th (1951) Session 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 LABOUR INSPECTION

Labour Inspection Convention, 1947 (No. 81); Labour Inspection Recommendation, 1947 (No. 81); Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)

Afghanistan

CONVENTION No. 81

Regulations of 16 January 1946 to govern the employment of persons in industrial establishments (*L.S.*¹ 1946—Afghan. 1), as amended.

There is at present no labour inspection, but the proposed new Labour Code and regulations to be made thereunder will in due course provide for it when necessary. However, since the Government controls, either directly or indirectly, the greater part of the country's industry, labour inspection would have only a very limited part to play in the maintenance of labour standards.

RECOMMENDATION No. 81

Since there is no labour inspectorate, the question of giving effect to the Recommendation can hardly arise at the present time. It might be possible, eventually, to make arrangements for the collaboration of management and workers, through workers' societies, for the purpose of improving conditions of health and safety of workers.

RECOMMENDATION No. 82

Mining and transport undertakings are covered by the regular provisions relating to conditions of work and protection of workers. All mining activities are directly controlled by the Government.

No measures are necessary in relation to the Recommendation.

¹ Throughout this summary the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

Algeria

RECOMMENDATION No. 81

Labour Code (Books I and II).

Act of 19 December 1917 respecting dangerous, unhealthy or noxious premises, as amended by the Acts of 20 April 1932 and 21 November 1942.

Decree of 10 December 1918.

Decree of 31 December 1920.

Decree of 1 August 1947 introducing regulations concerning the appointment of health and safety committees in establishments covered by Chapter I, Part II, Book II of the Labour Code and the Order of 25 January 1949 issued thereunder.

Order No. 1153/TP/FR 1 of 15 May 1961 establishing a labour and manpower inspectorate for the transport industry.

Notification of the opening of an establishment is compulsory under section 1 (a) to (c), Book II of the Labour Code, and the decree of 31 December 1920 compels employers to notify the authorities of any jobs in which occupational diseases may be contracted.

Employers' and workers' organisations co-operate in applying the law through participation in bodies for the prevention of employment injuries. Co-operation is also effective at the undertaking level.

The Ministry of Labour and Social Affairs is at present exploring the possibility of setting up a co-ordinated industrial safety and health scheme compatible with the country's economic and social circumstances.

RECOMMENDATION No. 82

Under sections 95 and 96 of the Labour Code the duties of labour inspectors are discharged in the case of underground mines, surface mines and quarries by special mining engineers and inspectors who report to the Ministry of Labour. In the case of establishments for which the Director of Public Works and Transport is technically responsible, these duties are discharged by the appropriate officials of the department (subject to the same conditions).

Under section 1 of the order of 15 May 1961 enforcement in the case of transport—by rail, road or air—is the responsibility of the special labour and manpower inspectors for the industry.

The mining engineers and transport inspectors co-operate closely with employers and workers.

Argentina

RECOMMENDATION No. 81

The Government refers, in connection with this Recommendation, to the information submitted by it in respect of Convention No. 81 (which it has ratified).

RECOMMENDATION No. 82

Act No. 9688 of 1915 respecting industrial accidents and occupational diseases (*Leyes Nacionales*, Vol. XIX) (*L.S.* 1957—Arg. 1C).

Decree No. 12664/46 (*Boletín Oficial*, 10 May 1946).

Decree of 11 March 1930 (*ibid.*, 2 Apr. 1930) (*L.S.* 1930—Arg. 1).

Act No. 2496 of 1958 of the province of Mendoza respecting mining.

There is no national legislation relating specifically to mining. Act No. 9688 and the regulations thereunder are applicable in matters connected with mining.

Decree No. 12664 relates to unhealthy conditions in ore crushing, and the decree of 11 March 1930 to unhealthy conditions resulting from the emission of gases, and the determination of such conditions.

In the province of Mendoza the activities of mineworkers are governed by the Mining Act, which is an important step on the way to national legislation for this branch of activity.

A guide for the inspection of mines and camps, which has been prepared by the Ministry of Labour and Social Security, covers all social and other aspects of mining activities. This guide will provide practical solutions for the problems connected with job descriptions and with the appropriate health and safety measures.

The rail haulage inspections are supplemented by medical examinations of the workers and by various studies. Working environment, the type of job performed, the methods used, the raw materials, and other factors affecting health and safety are taken into consideration.

Underground haulage is inspected frequently, with particular reference to ventilation, temperature, humidity, the emission of carbon monoxide, etc. Decree No. 10677 governs the daily hours of work of the persons employed in these jobs.

At the national level the application of the legal provisions is supervised by the Department of Occupational Safety and Health of the Ministry of Labour and Social Security. Similar bodies have been set up in the provinces.

Australia

CONVENTION No. 81

Commonwealth.

Conciliation and Arbitration Act, 1904-65 (*L.S.* 1928—Aust. 2), and subsequent amendments up to 1958 (*L.S.* 1958—Aust. 1).

Australian Capital Territory.

Scaffolding and Lifts Ordinance, 1957.

Machinery Ordinance, 1949.

Apprenticeship Ordinance, 1936-59.

Northern Territory.

Inspection of Machinery Ordinance, 1941-62.

Scaffolding Inspection Ordinance, 1932, as amended up to 1962; Ordinance No. 8 of 5 February 1962.

Workmen's Compensation Ordinance, 1949-64.

Factories Act of South Australia, 1907-10.¹

Inflammable Oils Act of South Australia, 1908-09.¹

States.

New South Wales.

Factories, Shops and Industries Act, No. 43 of 19 December 1962, as amended by Act No. 58 of 16 December 1964.

Industrial Arbitration Act, 1940, as amended up to 1964; Act No. 37 of 16 October 1964.

Scaffolding and Lifts Act, 1912, as amended up to 1958; Act No. 3 of 28 March 1958.

Annual Holidays Act, 1944, as amended up to 1964; Act No. 31 of 29 September 1964.

Rural Workers' Accommodation Act, 1926, as amended by Act No. 4 of 31 May 1951.

Bread Industry Act, 1946, as amended up to 1964; Act No. 56 of 16 December 1964.

Long Service Leave Act, 1955, as amended up to 1963; Act No. 13 of 10 April 1963.

Workers' Compensation Act, 1926, as amended up to 1964; Act No. 66 of 16 December 1964.

Long Service Leave (Metalliferous Mining Industry) Act, No. 48 of 13 December 1963.

¹ These Acts, passed prior to the administration of the territory being taken over by the Commonwealth Government, are still in force.

Queensland.

- Industrial Conciliation and Arbitration Act, 1961, as amended up to 1964; Act No. 67 of 23 December 1964.
- Factories and Shops Act, No. 41 of 16 December 1960 (L.S. 1960—Aust. 1), as amended up to 1964.
- Apprentices Act, No. 56 of 21 December 1964.
- Electrical Workers' and Contractors' Acts, 1962-64.
- Labour and Industry Act, 1946, as amended up to 1963; Act No. 38 of 16 December 1963.
- Workers' Accommodation Act, No. 5 of 17 April 1952.
- Bread Delivery Act, 1946.
- Inspection of Machinery Act, No. 33 of 1951, as amended up to 1963; Act No. 17 of 3 December 1963.
- Inspection of Scaffolding Acts, 1915-63.
- Workers' Compensation Act, 1916, as amended up to 1964; Act No. 58 of 21 December 1964.

South Australia.

- Industrial Code, 1920, as amended up to 1963; Act No. 59 of 5 December 1963.
- Early Closing Act, 1926, as amended up to 1960; Act No. 48 of 24 November 1960.
- Steam Boilers' and Engine Drivers' Act, 1935-52.
- Lifts Act, No. 53 of 24 November 1960.
- Country Factories Act, 1945.
- Scaffolding Inspection Act, 1934, as amended up to 1963; Act No. 43 of 28 November 1963.
- Employees' Registry Offices Act, 1915-53.
- Inflammable Liquids Act, 1961.
- Apprentices Act, No. 51 of 7 December 1950.
- Bakehouses Registration Act, 1945-47.
- Long Service Leave Act, No. 47 of 14 November 1957.
- Workmen's Compensation Act, 1932, as amended up to 1963; Act No. 55 of 28 November 1963.

Tasmania.

- Factories, Shops and Offices Act, 1958-65.
- Wages Boards Act, 1920, as amended up to 1964; Act No. 36 of 20 November 1964.
- Shops Act, 1925-64.
- Workers' Compensation Act, 1927, as amended up to 1964; Act No. 65 of 17 December 1964.
- Employers' Liability Act, 1943-54.
- Inspection of Machinery Act, No. 68 of 19 December 1960.
- Footwear Act, 1918-50.
- Textile Products (Description) Act, 1953.
- Master and Servant Act, 1856-1942.
- Sale of Bread Act, 1896.
- Apprentices Act, 1942, as amended up to 1964; Act No. 47 of 26 November 1964.
- Scaffolding Act, No. 52 of 5 December 1960.
- Long Service Leave Act, 1956, as amended up to 1964; Act No. 61 of 17 December 1964.

Victoria.

- Labour and Industry Act, 1958, as amended up to 1964; Act No. 7202 of 15 December 1964.
- Employers' and Employees' Act, 1958.
- Lifts and Cranes Act, 1959.
- Master and Apprentice Act, 1958.
- Apprenticeship Act, 1958, as amended up to 1963; Act No. 7079 of 10 December 1963.
- Goods Act, 1958 (Part V).
- Servants' Registry Offices Act, 1958.
- Footwear Regulation Act, 1958.

Western Australia.

- Factories and Shops Act, 1920, as amended up to 1963; Act No. 44 of 3 December 1963.
- Industrial Arbitration Act, 1912, as amended up to 1963; Act No. 76 of 19 December 1963.
- Workers' Compensation Act, 1912, as amended up to 1964; Act No. 88 of 14 December 1964.
- Trade Descriptions and False Advertisements Act, 1936-56.
- Employment Brokers Act, 1909-18.
- Shearers' Accommodation Act, 1912-57.
- Inspection of Machinery Act, 1921-58.
- Inspection of Scaffolding Act, 1924, as amended up to 1962; Act No. 76 of 6 December 1962.

Articles 1, 4, 5 and 22 of the Convention. Responsibility for labour inspection is shared between the Commonwealth and the states. Inspection under the (Commonwealth) Conciliation and Arbitration Act, 1904-65, is conducted by the Commonwealth Department of Labour and National Service, which also carries out labour inspection in the Capital Territory and the Northern Territory. Responsibility for labour inspection in industry and commerce is in the hands of the labour departments in the various states. Specialised inspection (e.g. inspection of machinery and scaffolding) is carried out by special services, mostly functioning within the general labour inspectorate but in some cases functioning independently. In addition employers' and workers' organisations have certain powers of labour inspection; much inspection under awards and registered agreements is carried out by authorised officials of unions, and sometimes by employers' organisations. The unions attach much importance to their powers of inspection.

There is collaboration between the labour inspection services and employers' and workers' organisations and arrangements exist for co-operation between the inspection services and other government agencies.

Articles 6 and 7. Commonwealth and state inspectors work under conditions of stable employment as members of the respective public services. Labour inspectors are recruited on the basis of qualifications, and provision is made for training of inspectors.

Articles 9 and 10. Many inspectors are technically qualified themselves. They also rely on qualified technical experts as required. Labour inspectors are distributed throughout Australia, and their number is governed by the necessity for efficient service.

Article 12. The (Commonwealth) Conciliation and Arbitration Act limits the inspectors' right of entry to "any time during working hours". Certain state legislation limits the hours during which inspectors may enter places of employment to "any reasonable hour" (New South Wales) and "all reasonable hours" (Queensland). All inspectors may enter freely and without previous notice. Other provisions of this Article are applied with the exception of 1 (c) (iv) relating to samples: the Commonwealth and three states do not include this provision in all of their relevant legislation.

Article 13. The legislation of all states conforms to the provisions of this Article.

Article 15. There are no laws specifically prohibiting inspectors from having any direct or indirect interest in undertakings under their supervision, but under the Public Service Acts, which apply to all labour inspectors, there are severe penalties for any corruption, negligence, inefficiency or incompetence in the course of their duties. This is felt to be an adequate safeguard. Commonwealth and Western Australia inspectors are bound not to disclose manufacturing or commercial secrets, working processes or any other confidential information, even after they leave the service. Inspectors of other states are bound not to reveal commercial or manufacturing information while they are employed by the service, although in Tasmania the relevant regulations are normally considered to hold good after an inspector has left the service. Inspectors are obliged as far as practicable not to disclose the source of complaints. In some states, however, it is the procedure to declare to the employer, when requesting to inspect the premises, that a complaint has been made.

Articles 17 and 18. Persons who violate legal provisions are liable to legal proceedings except when previous notice to carry out remedial or preventive measures has to be given. It is not left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings. The practice is for

the inspector to report to his Minister, the permanent head of his department, or in some cases the chief inspector, within whose jurisdiction such decisions rest.

Penalties are imposed for violation of the relevant legal provisions and for obstructing labour inspectors in the performance of their duties.

Articles 19 to 21. Local inspection offices are required to submit periodical reports to the central authority. The Commonwealth does not publish an annual report. Reports are published by the states. Sometimes, due to printing difficulties, the reports cannot easily be published within 12 months of the conclusion of the year to which they refer. With the exception of New South Wales and Tasmania the annual reports comment on the various aspects of inspection work. Occupational disease statistics are not published in the reports of the inspection service but in the reports of the competent authorities.

No modification of legislation or practice has been made to give effect to the Convention. The main barriers to ratification are those mentioned in connection with Articles 12, 15 and 20. Consideration is being given to amending Commonwealth legislation to bring it into conformity with paragraph 1 (c) (iv) of Article 12.

RECOMMENDATION NO. 81

Legislation in New South Wales, Victoria, Queensland and Western Australia provides that notification must be made to the department administering the labour inspectorate by any person wishing to open a factory or a shop; in South Australia such notification is required only for factories. Consultative boards with varying functions exist in this connection. In Tasmania legislation prohibits unsatisfactory factory premises from either being used or registered, subject to right of appeal. In Victoria and South Australia there are prescribed minimum standards for shops. In the Capital Territory prior approval of plans or registration is not required for industrial or commercial establishments.

Considerable encouragement and advice regarding all kinds of schemes relating to health and safety, including collaboration between employers and workers, is constantly given by the various labour and health departments. Most of the techniques suggested in the Recommendation are used. In New South Wales, Queensland, Western Australia and Tasmania the Factory Welfare Boards and the Health, Welfare and Safety Boards are empowered to make such representations to the Minister as will prevent or keep to a minimum accidents in industry.

Labour inspectors are not generally authorised to act as conciliators or arbitrators. In New South Wales the officer in charge of a country inspectorate is, however, often appointed as a special commissioner under the Industrial Arbitration Act.

Although information is not supplied for every single item listed in the Recommendation, the statistics are generally most comprehensive.

It has not been considered necessary to take any measures to give effect to the Recommendation.

RECOMMENDATION NO. 82

Commonwealth.

Coal Industry Act, 1946-57.

Coal Industry (Tasmania) Act, 1949.

Northern Territory.

Mining Ordinance, 1939-64.

Mines Regulation Ordinance, 1939-64.

Mines Assistance Ordinance, 1939-64.

Motor Vehicles Ordinance, 1949-63.

*States.**New South Wales.*

Mines Inspection Act, 1901, as amended up to 1962; Act No. 8 of 21 May 1962.
Coal Mines Regulation Act, 1912, as amended up to 1964; Act No. 19 of 12 May 1964.
Coal Industry Act, 1946-60.
Mining Act, 1906-63.
State Transport (Co-ordination) Act, 1931-64.

Queensland.

Mining Acts, 1898-1955.
Coal Mining Acts, 1925, as amended up to 1965.
Mines Regulation Acts, 1910, as amended up to 1964; Act No. 35 of 24 December 1964.
State Transport Facilities Act, 1946-55.

South Australia.

Mines and Works Inspection Act, 1920, as amended up to 1964; Act No. 31 of 22 October 1964.
Mining Act, 1930-55.
Road and Railway Transport Act, 1930-54.

Tasmania.

Mining Act, 1929-62.
Mines and Works Regulations Act, 1959-62.
Transport Act, 1938-64.

Victoria.

Mines Act, 1958-64.
Coal Mines Regulation Act, 1958-60.
Transport Regulation Act, 1958-61.
Commercial Goods Vehicles Act, 1958-61.

Western Australia.

Mines Regulations Act, 1946, as amended up to 1961; Act of 21 February 1961.
Coal Mines Regulations Act, 1946-62.
Mining Act, 1904-64.
State Transport Co-ordination Act, 1933-61.

Responsibility for labour inspection in mining and transport undertakings lies partly with the Commonwealth and partly with the various states. In practice transport and mining undertakings come under the ordinary labour inspectors in connection with the inspection of the terms of awards, agreements and determinations. In addition separate inspection services exist in the Northern Territory and the states for policing regulations covering certain special aspects of work in mines; there are separate special inspection services for the road transport industry in the states.

It has not been considered necessary to take any measures to give effect to this Recommendation.

Nauru**CONVENTION NO. 81**

Chinese and Native Labour Ordinance, No. 18 of 18 November 1922 (*L.S.* 1922—*L.N.* 4), as amended in 1923 (*L.S.* 1923—*L.N.* 3) and in 1924 (*L.S.* 1924—*L.N.* 3), and by Ordinance No. 2 of 2 April 1964.

Due to the limited amount of industry and the relatively small work force, many of the Articles of the Convention have little application to the territory.

Under section 46 of the ordinance the Administrator, or medical officer, or any person authorised by the Administrator, may, at any time, enter into or upon any workplace and inspect the state and conditions of the workers and inquire into any complaint.

There is no officer whose sole duty is labour inspection, but, in authorising officers to undertake inspections on behalf of the Administration, due consideration is given to their fitness to perform such duties effectively.

Inspecting officers have no direct or indirect interest in the undertakings supervised, and all officers of the Administration are bound by an oath of secrecy with regard to official matters coming to their knowledge.

Penalties for breaches of the provisions of the ordinance are prescribed, and section 47 lays down that anyone obstructing authorised persons in the exercise of their duties shall be liable to a fine not exceeding £50 or imprisonment not exceeding six months.

Although there is no annual report dealing specifically with labour inspection, all matters arising from inspection and the enforcement of the ordinance are reported in the annual report to the United Nations General Assembly on the administration of the territory of Nauru.

The Nauruan workers' organisation has full access to the Administration and is encouraged to bring any complaint to the notice of the Administrator and to discuss with the Administration any matter affecting conditions of employment. Chinese and Pacific Islander employees elect representatives who may give notice of complaints or subjects for discussion in the same way.

The ordinance, as amended, provides for more effective control by the Administration over the terms and signing of labour contracts.

RECOMMENDATION No. 81

Although there are no specific provisions for the submission to the authorities of plans for new establishments, plants or processes of production, the small area of Nauru allows the Administration to keep well informed on any new or proposed developments and to ensure that these do not contravene any of the ordinances applying to the territory.

It is felt that existing legislation and inspection measures are adequate to ensure the enforcement of legal provisions relating to conditions of work and the protection of workers.

RECOMMENDATION No. 82

There are no secondary industries on Nauru apart from the working of the phosphate deposits. The only transport undertakings on Nauru are a railway operated by the British Phosphate Commissioners in connection with the phosphate mining undertaking and a bus service operated by the Administration.

New Guinea and Papua

CONVENTION No. 81

RECOMMENDATION No. 82

Industrial Safety (Temporary Provisions) Ordinance, No. 1 of 9 January 1957.

Native Employment Ordinance, No. 56 of 24 December 1958, as amended by Ordinances Nos. 56 of 12 December 1960, 39 of 23 August 1963 and 68 of 23 October 1963; and Regulations made thereunder.

Industrial Safety, Health and Welfare Ordinance, No. 54 of 28 December 1961, and Regulations made thereunder (in force on 1 July 1965).

Public Service Ordinance, No. 20 of 1963.

Articles 1 to 3 of the Convention. Labour inspection is a function of the Department of Labour of the territory of New Guinea and Papua. There is compliance with the provisions of these Articles.

Article 4. All labour inspectors are under the control of the Department of Labour.

Article 6. Labour inspectors are employed under the provisions of the Public Service Ordinance, and they are accordingly independent of changes of government and not subject to improper external influences.

Articles 7 and 15. Under the Native Employment Ordinance labour officers are appointed on the basis of their detailed knowledge of labour legislation, including industrial agreements, and their ability to advise employers and workers on requirements of legislation, safety provisions, etc. Training is conducted by senior officers. This ordinance contains provisions which apply Article 15 of the Convention.

Article 9. The inspectors collaborate, as need be, with the Department of Health, the Department of District Administration, the Department of Works, and the Department of Lands (Mining Division).

Article 10. There are 20 full-time labour inspectors and a safety officer employed by the Department of Labour. Inspectors from other Departments are also appointed when necessary. Labour inspectors are posted to each government station and visit places of employment at regular intervals.

Article 12. The senior labour inspector is responsible for the initiation, co-ordination and functioning of district inspection programmes. Under section 161 of the Native Employment Ordinance, labour inspectors may at all reasonable times and with or without notice—(a) enter any premises and inspect any premises, land, place, building, mine, vehicle, vessel or aircraft used or kept for use, or believed or suspected to be used or kept for use, by employees, and examine and question a person who is, or is believed or suspected to be, an employee with regard to any matter relating to the employment, safety, health or welfare of employees; (b) require any person to produce any document or any food, clothing or article in his possession.

Under the Industrial Safety, Health and Welfare Ordinance, labour inspectors are authorised to take samples of materials or substances for the purpose of analysis.

Article 13. The requirements of this Article are covered by the labour legislation mentioned above.

Articles 17 and 18. The Department of Labour's policy is in full accord with the requirements of these Articles.

Article 19. General compliance with this Article is maintained by the inspectorate.

Articles 20 and 21. Annual reports contain the information listed in Article 21 (a) and (g).

Arrangements have been made for obtaining access to the inspectorate, while inspectors, upon invitation, may attend executive meetings of workers' and employers' associations to discuss labour legislation.

Existing legislation and practice is considered to be adequate without further measures being adopted.

RECOMMENDATION No. 81

For legislation see under Convention No. 81.

Part IV of the Industrial Safety, Health and Welfare Ordinance provides for notification and registration of factories, notification of defects in buildings, etc.

Officers of the Industrial Services Division visit factories and discuss with employers and employees methods of improving safety and health at work. Some safety committees have already been formed and there are proposals for others.

Lectures and radio talks are given, and there are posters, pamphlets and films which suggest measures for preventing and reducing industrial accidents. In July 1964 a Health and Safety Conference was held at Port Moresby and recommended the establishment of safety committees. The safety officer maintains liaison with the Department of Education. Instruction in safety and industrial hygiene is given at technical institutions.

Labour inspectors do not act as arbitrators or conciliators in labour disputes, but they report to industrial relations officers as soon as they become aware of a serious industrial dispute.

Annual reports submitted to the United Nations comply generally, but not fully, with the requirements of Paragraph 9 of the Recommendation.

Officers of the Divisions of Labour Administration and Industrial Services, which are within the Department of Labour, are responsible for the supervision and application of the relevant legislation. Employers and workers are being encouraged to co-operate in the application of the ordinance.

Some of the requirements of Paragraph 9 of the Recommendation are not suited to the territory in its present stage of development.

Norfolk Island

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

In view of the extremely limited industrialisation of Norfolk Island, the provisions of the above-mentioned instruments have little functional application to this territory.

Labour inspection services have not been established, but the small area and population of the island enable the Administrator and his officer to be familiar with the conditions of employment.

Austria

RECOMMENDATION No. 81

Ordinance of 1859 respecting arts and crafts (*Reichsgesetzblatt*, 1859).

Act of 1871 respecting the setting up and the scope of the mining authorities (*Bundesgesetzblatt (BGBl.)*, 1871).

Act of 28 July 1919 respecting the employment of young persons and women, and also hours of work and Sunday rest, in the mining industry (*Staatsgesetzblatt*, 1919) (*L.S.* 1919—Aus. 11), as amended by the Acts of 1927, of 1928 (*BGBl.*, 1928, No. 53) (*L.S.* 1928—Aus. 3C), by the Ordinance of 1933 and by the Act of 1948 (*BGBl.*, 1948, No. 50).

Employees' Act of 11 May 1921, as amended by the Acts of 1937, of 1946, of 1947, of 1958 and of 1959.

Basic Act of 1938 respecting hours of work, as amended by the Act of 1958.

Act of 1946 respecting the Federal Economic Chamber of Austria.

Federal Act of 26 February 1947 respecting the determination of conditions of employment and remuneration by means of collective agreements and rules of employment (*BGBl.*, 6 May 1947, No. 20) (*L.S.* 1947—Aus. 1), as amended by the Acts of 1950, of 1959 and of 14 February 1962 (*BGBl.*, 6 Mar. 1962).

Works Councils Act of 28 March 1947 (*BGBl.*, 2 June 1947, No. 25) (*L.S.* 1947—Aus. 2), as amended by the Acts of 1948 (*BGBl.*, 1948, No. 34), of 1954 and of 23 July 1962 (*BGBl.*, 7 Aug. 1962, No. 60).

Federal Act of 1 July 1948 respecting the employment of children and young persons (*BGBl.*, 19 Aug. 1948, No. 33) (*L.S.* 1948—Aus. 3), as amended by the Act of 13 February 1952 (*BGBl.*, 31 Mar. 1952, No. 45) (*L.S.* 1952—Aus. 1A), the Ordinance of 25 October 1954 (*BGBl.*, 13 Dec.

- 1954, No. 56) (*L.S.* 1954—Aus. 3) and the Acts of 31 March 1955 (*BGBI.*, 30 Apr. 1955, No. 21) (*L.S.* 1955—Aus. 2B) and of 5 April 1962 (*BGBI.*, 27 Apr. 1962, No. 27) (*L.S.* 1962—Aus. 1).
- General Ordinance of the Federal Ministry of Social Administration of 10 November 1951 to make general provisions for the protection of the life and health of employees (*BGBI.*, 28 Dec. 1951, No. 63), as amended in 1962 (*BGBI.*, 1962, No. 32).
- Federal Act of 20 May 1952 respecting the labour inspection service for transport and communications (*BGBI.*, 30 June 1952, No. 23), as amended by the Act of 13 March 1957 (*BGBI.*, 28 Mar. 1957, No. 22).
- Ordinance of the Federal Ministry of Social Administration of 7 January 1954 respecting the protection of the lives and health of employees in the carrying out of explosions (*BGBI.*, 30 Apr. 1954, No. 18).
- Federal Act of 10 March 1954 respecting mining (*BGBI.*, 16 Apr. 1954, No. 16).
- Federal Act of 19 May 1954 respecting chambers of wage earners and salary earners and the Congress of Austrian Chambers of Labour (*BGBI.*, 15 June 1954, No. 24) (*L.S.* 1954—Aus. 2).
- Ordinance of the Federal Ministry of Social Administration of 10 November 1954 respecting measures for protecting the life and health of workers engaged in building and in related or ancillary operations (*BGBI.*, 30 Dec. 1954, No. 59).
- Ordinance of the Federal Ministry of Social Administration of 31 March 1955 respecting the protection of the lives and health of workers in iron and steel foundries (*BGBI.*, 24 June 1955, No. 27).
- Ordinance of 30 June 1955 determining the headquarters and the scope of the General Inspectorates of Mines.
- Federal Act of 9 September 1955 respecting general social insurance (*BGBI.*, 30 Sep. 1955, No. 50) (*L.S.* 1955—Aus. 3), as amended by the Acts of 18 December 1956, of 18 July 1957 (*BGBI.*, 30 July 1957, No. 50), of 18 December 1957 (*BGBI.*, 31 Dec. 1957, No. 78), of 17 December 1958 (*BGBI.*, 30 Dec. 1958, No. 78), of 17 December 1959 (*BGBI.*, 30 Dec. 1959, No. 73), of 6 April 1960 (*BGBI.*, 15 Apr. 1960, No. 24), of 14 July 1960 (*BGBI.*, 3 Aug. 1960, No. 50), of 5 December 1960 (*BGBI.*, 29 Dec. 1960, No. 76) (*L.S.* 1960—Aus. 5), of 15 December 1961 (*BGBI.*, 11 Jan. 1962, No. 4) (*L.S.* 1961—Aus. 2), of 16 April 1963 (*BGBI.*, 25 Apr. 1963, No. 21) and of 11 July 1963 (*BGBI.*, 26 July 1963, No. 56).
- Ordinance of the Federal Ministry of Social Administration and the Federal Ministry of Commerce and Reconstruction of 25 October 1955 respecting the protection of the workers engaged in, and the persons resident in the vicinity of, stone quarrying, clay, sand and gravel excavation and earth works (*BGBI.*, 28 Dec. 1955, No. 70).
- Federal Government Notification of 29 May 1956 to consolidate the Labour Inspection Act (*BGBI.*, 23 July 1956, No. 41).
- Ordinance of the Federal Ministry of Social Administration of 5 September 1956 respecting the protection of the life and health of persons employed in textile undertakings (*BGBI.*, 11 Oct. 1956, No. 54).
- Federal Act of 13 March 1957 respecting the protection of mothers (*BGBI.*, 28 Mar. 1957, No. 22) (*L.S.* 1957—Aus. 1), as amended by the Acts of 28 November 1960 (*BGBI.*, 15 Dec. 1960, No. 69) (*L.S.* 1960—Aus. 2), of 15 February 1961 (*BGBI.*, 13 Mar. 1961, No. 17), of 15 December 1961 (*BGBI.*, 5 Jan. 1962, No. 2) and of 10 July 1963 (*BGBI.*, 30 July 1963, No. 59).
- Federal Government Notification of 18 June 1957 to consolidate the Public Holidays (Cessation of Work) Act (*BGBI.*, 11 July 1957, No. 45).
- Federal Government Notification of 13 January 1959 to promulgate a consolidated text of the Workmen's Annual Holidays Act (*BGBI.*, 6 Feb. 1959, No. 24).
- Ordinance of the Federal Ministry of Commerce and Reconstruction of 2 April 1959 respecting the measures to be taken during mining operations to protect the lives and health of persons and to protect material objects (*BGBI.*, 8 May 1959, No. 32).

Paragraphs 1 to 3 of the Recommendation. Under the ordinance respecting arts and crafts any person who proposes to open or take over an industrial establishment must inform the competent authority of his district, who will carry out the necessary verifications and, after consultation with the labour inspectorate, grant or refuse the authorisation requested. The labour inspectorate is informed of all plans for new plant or for the modification of existing plant, even in the case of undertakings for the operation of which no authorisation is necessary. With regard to dangerous or unhealthy establishments coming under section 27 of the ordinance, the prior

submission of plans is compulsory—in practice plans are also submitted in many other cases. The labour inspectorate has to state whether the plans conform to the standards in force regarding industrial health and safety, and it may impose, through the courts if need be, any modifications that may seem necessary to it.

Paragraph 4. Safety committees consisting of representatives of management and workers operate in several large undertakings; their duties include supervising the application of provisions regarding safety. They may, if necessary, bring problems to the attention of the labour inspectorate. In most establishments of a certain size safety technicians periodically hold discussions with representatives of the staff and of the management, particularly on questions concerning the improvement of industrial health and safety.

Paragraph 5. Under the Labour Inspection Act the inspection service has to assist employers in carrying out their duties through advice and information on the necessity for and the use of safety devices. The inspectors must obtain the participation of the representatives of the management or the safety technicians in their inspection visits.

Paragraph 6. Periodic conferences, attended by the heads of the inspection service and representatives of workers' and employers' organisations, deal with questions such as the protection of children and young persons, home work and the work of women.

Paragraph 7. Employers must display the texts of legal provisions concerning labour protection and health and security measures; they must keep the workers informed of the dangers peculiar to the undertaking and the devices intended to afford protection against such dangers. The insurance bodies are responsible for publicity regarding accident prevention (posters, publications, etc.) and must give advice to employers and workers, collaborate with undertakings in the prevention of industrial accidents and carry out inquiries and research into the causes and prevention of accidents and industrial diseases. The labour inspectorate organises courses for delegates from the undertakings and accident prevention exhibitions.

Paragraph 8. Officials of the labour inspectorate do not act as conciliators or arbitrators in proceedings concerning labour disputes.

Paragraph 9. The annual reports on the work of the inspection services lack some of the information required by this Paragraph of the Recommendation, namely the average number of workers in the undertaking, the classification of inspection visits according to whether they were made by day or by night and the classification of infringements according to their nature and the penalty imposed.

The Federal Ministries of Commerce and Reconstruction and of Social Administration are the supreme authorities responsible for supervising the application of the legal provisions. In the states authority rests with the governors.

National law and practice seem broadly to give effect to the provisions of the Recommendation.

RECOMMENDATION No. 82

Mines and transport were not excluded from the scope of Convention No. 81 when it was ratified.

As regards mines, responsibility for supervision rests with the general inspectorates under the authority of the Federal Ministry of Commerce and Reconstruction.

Collaboration between the inspectorate, the employers and the workers takes place through the Chambers of Labour and the Congress of Chambers of Labour, which express their views on legislation, and also through the Federal Economic

Chamber. These organisations also have the right to take part in the inspection of mines. Collaboration also takes place through the works councils, which participate in inspection, particularly in supervising the application of the social legislation on health and safety and in inquiries into industrial accidents. Furthermore, the agreement of the works councils is necessary when works rules are being drawn up or amended if these rules have not already been the subject of collective bargaining. Certain provisions of the Act on mineworkers cannot be amended without the agreement of the miners' trade unions.

As regards transport, under section 22 of the Act respecting labour inspection in this sector all provisions relating to the protection of the safety and health of workers are applicable to transport undertakings.

The Federal Ministry of Transport and Electricity is responsible for inspection in transport and electricity undertakings. It maintains, for this purpose, an inspection service, which must collaborate with the organisations responsible for the defence of workers' and employers' interests. Moreover, the representative bodies of the undertaking must participate in inspection visits.

The federal authorities are alone competent in respect of mines and transport and all provisions in this field are adopted under federal law.

National law and practice are in conformity with the provisions of the Recommendation.

Belgium

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

General Labour Protection Regulations approved by the Orders of the Regent of 11 February 1946 and 27 September 1947.

Act of 10 June 1952 respecting the health and safety of workers and the salubrity of work and workplaces, as amended by the Act of 17 July 1957.

Royal Order of 27 July 1964 to make regulations governing the post of industrial conciliation officer.

Royal Order of 23 December 1957 to determine the allocation of duties among the officials and employees of the Ministry of Labour and Social Welfare and the Mines Department who are responsible for labour inspection (*Moniteur belge*, 13-14 Jan. 1958).

Mining Code of 21 December 1962.

Establishments (including factories, works, workshops, warehouses and open quarries) which by virtue of their existence, or being put into or maintained in operation, may be a cause of danger, unhealthiness or noxiousness may be built, converted or moved to another place only with the authorisation of the administrative authority, which is reported to the competent labour inspectorate. A plan showing the layout of the premises and the position of the workshops and equipment must be attached to every application. Authorisation will be granted only subject to the strict observance of the provisions and conditions laid down by the administrative authority and after the opinion of the competent inspection services has been obtained.

Every employer employing workers under contracts for the hire of labour must establish a service for the safety, health and improvement of workplaces, consisting of a departmental head and, where appropriate, one or more deputies. A committee for the safety, health and improvement of workplaces must be established in every undertaking employing 50 or more workers. In certain cases two or more employers may unite to establish a joint safety and health service or committee. Works councils may, in certain cases, fulfil the functions of the safety committee.

The head of the committee is required to draw up reports on safety and health conditions in the undertaking and on all accidents that may occur, and to make these reports available to the officials of the inspectorate. An annual report on the work of the safety and health service is addressed to the labour inspectorate at the latest within the two months following the year to which it refers.

There is no specific body composed of officials of the inspection services and of representatives of employers' and workers' organisations. The inspectors are, however, in continuous contact with these organisations in connection with the supervision of social legislation.

Various public or private bodies, such as the General Commission for the Advancement of Labour or the Association of Belgian Industrialists, undertake the publicising, through posters, lectures and films, of measures to prevent industrial accidents. At Antwerp there is a permanent exhibition of the safety procedures and devices to be used in connection with dangerous machinery. Accident-prevention courses are given in the technical schools.

The labour inspectors generally act as conciliators in the first stages of a dispute between the employer and the workers. The Royal Order of 27 July 1964, however, has established six posts of industrial conciliation officer, to be independent of labour inspection and to come directly under the Minister of Employment and Labour. Where the inspectors fail, and in important cases, the industrial conciliation officers undertake the investigation and settlement of the dispute. The functions of labour inspectors do not include that of acting as an arbitrator.

The annual reports published by the Social Division, the Industrial Safety Division and the Industrial Health Division of the Inspectorate contain the information required under Paragraph 9 of Recommendation No. 81.

Transport undertakings are subject to supervision by the labour inspectorate under the same conditions as industrial undertakings.

Inspection in the mines, both from the technical and social points of view, comes under the Mines Department, which has the same powers as the labour inspectorate. The Mines Department comes under the Ministry for Economic Affairs, but it reports to the Ministry of Employment and Labour in respect of its functions of social supervision.¹

Bulgaria

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Decree of 1952 respecting the supply of antidotes to wage and salary earners employed in unhealthy manufacturing processes liable to cause industrial poisoning (*Izvestiya*, 1952, No. 64).

Decree No. 266 of 30 April 1953 of the Council of Ministers respecting the procedure to be followed in planning occupational safety and health measures in industrial construction and transport undertakings (*ibid.*, 15 May 1953, No. 39), as amended by Decree No. 169 of 17 July 1957 (*ibid.*, 1957, No. 62).

List of industrial safety and health measures to be included in planning, as prescribed in Decree No. 266 of 30 April 1953 of the Council of Ministers (*ibid.*, 1953, No. 50).

Decree No. 207 of 16 April 1954 of the Council of Ministers to set up a Technical Inspectorate of Mines, and Order No. 623 of 7 June 1959 of the Council of Ministers respecting the transfer of the Technical Inspectorate of Mines to the Central Council of Trade Unions.

Regulations respecting safety techniques for the assembly, installation and operation of acetylene generators and the storage of carbide (*ibid.*, 1957, No. 2 and 1960, No. 29).

¹ See also I.L.O.: *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*, Report III (Part I), International Labour Conference, 44th Session, Geneva, 1960 (Geneva, 1960), pp. 86-88.

Regulations of 11 July 1958 of the Central Council of Trade Unions governing the trade union labour protection authorities responsible for supervising the protection of labour on behalf of the State (*Izvestiya*, 9 Sep. 1958, No. 72), as amended on 23 April 1959 (*ibid.*, 2 June 1959, No. 44) and on 13 June 1962 (*ibid.*, 31 July 1962, No. 61) (*L.S.* 1962—Bul. 1A and B).

Decree No. 215 of 1958 to improve the safety conditions of workers (*Izvestiya*, 1958, No. 95).

Instructions respecting the preparation of reports and the penalties prescribed for offences under Part II of the Labour Code (*ibid.*, 1958, No. 72; 1959, No. 79; and 1961, No. 20).

Regulations of 1960 respecting undertakings and technical installations (*ibid.*, 1960, No. 19).

Decree of 1960 respecting the instruction of workers in matters of occupational safety and health (*ibid.*, 1960, No. 33).

Regulations of 1 March 1961 to make provision for supernumerary trade union inspectors (*ibid.*, 31 Mar. 1961, No. 26) (*L.S.* 1961—Bul. 2), as amended on 13 June 1962 (*Izvestiya*, 31 July 1962, No. 61) (*L.S.* 1962—Bul. 1A).

Regulations of 1962 respecting the functions of the labour technical safety authorities set up under the general directorates of industry in the provinces and the undertakings subordinate thereto (*Izvestiya*, 1962, No. 35).

Regulations of 1962 respecting the Central Technical Inspectorate of Mines and its departments (*ibid.*, 1962, No. 88).

Decree of 1962 respecting the application of the provisions of the Labour Code concerning occupational safety and health to the members of workers' co-operative farms (*ibid.*, 1962, No. 100).

Order No. 858 of 3 December 1963 of the Council of Ministers respecting the establishment of a general inspectorate for the supervision of boilers.

Various regulations respecting safety techniques in industrial installations (engines, hoisting devices acetylene generators, industrial ovens, etc.).

Since the beginning of 1951 the supervision of the application of labour legislation has been the responsibility of the trade unions and the workers themselves, who are the persons most directly interested in the strict application of this legislation. For this purpose a general directorate of occupational safety has been set up under the Central Council of Trade Unions, while adequately staffed labour inspectorates have been set up under the provincial, urban and commune trade union committees. Labour inspectors have also been appointed to the central committees of the various sectors of the national economy.

Burundi

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

The Ministry of Labour is at present preparing, with I.L.O. assistance, suitable regulations to govern the labour inspectorate. The inspectorate will also be reorganised. As soon as the Government has taken all the necessary steps from the point of view of legislation and organisation, it will be able to consider ratifying the Convention, since the main difficulty as regards ratification is of a purely budgetary nature.

Byelorussia

CONVENTION No. 81

RECOMMENDATION No. 82

Articles 1, 2 and 22 to 24 of the Convention. Labour inspection covers all undertakings and institutions in industry, transport, commerce, etc. It is carried out by the State, the trade unions and the workers themselves.

There are various public authorities responsible for labour inspection, such as the health inspection services and the Committee of State of the Council of Ministers, which is responsible for the supervision of safety in industry and the mines. The Public Prosecutor is responsible for the application of the legislation as a whole.

Technical inspection is carried out by inspectors coming directly under the trade union committees. Public inspection of labour is ensured by the workers in their capacity of public inspectors and of members of the labour protection committees of the factory, works or local trade union councils.

Articles 3 to 5 and 16 and 17. The technical inspectors can carry out at regular intervals in the undertakings supervision of the application of the provisions relating to labour protection, and take the necessary steps to put an end to any infringements and defects brought to light. They collaborate with the appropriate state services in the technical and health supervision for which these services are responsible (such as technical supervision of mines). They are assisted by supernumerary technical inspectors, who have the same rights but cannot impose fines for infringements of the labour legislation.

The factory, works or local trade union committees play an important part in the labour protection system through special committees, which, for example, supervise the putting into operation of new workshops and authorise the overtime that may be worked in exceptional circumstances. No worker may be dismissed by the management of the undertaking without the agreement of the factory, the works or local trade union committee, which, moreover, can propose to the competent organisations the dismissal of any person responsible for the running of the undertaking who infringes the provisions of the collective agreements and the labour legislation, or propose the penalties that seem appropriate to it.

In 1964 there were over 52,000 public inspectors and members of labour protection committees. The number of supernumerary technical inspectors was 550.

There is effective co-operation among the various bodies and services described above, the organs of the judiciary and the services of the Public Prosecutor.

Articles 6 to 9 and 15. Candidates for posts of technical inspector must have had technical training up to advanced or at least secondary education level as well as practical experience. They are appointed and relieved of their posts by the Presidium of the Council of Trade Unions of the Republic. The posts are open to men and women under the same conditions.

Articles 10 and 11. The number of inspectors for each branch of industry is fixed in accordance with the number of undertakings and the number of workers employed in them. The technical inspector is entitled to require that the administration shall supply him with premises and the necessary transport facilities for the performance of his duties.

Articles 12 and 13. Technical inspectors with proper credentials are empowered to enter the premises of undertakings at any hour of the day or night. They may order those responsible to put an end within a specified time limit to any infringements or defects brought to light and they may order the stopping of any work offering immediate danger to the life or health of the workers. They are empowered to impose fines or to institute proceedings against any person who infringes or fails to apply the labour legislation or the health and safety regulations.

Articles 14, and 19 to 21. The technical inspectors may require the management of an undertaking to produce any document needed in connection with the inspection and to provide any information relating to labour protection.

Inquiries into industrial accidents are conducted by the technical inspectors, the state inspectors in the mines and the factory, works or local trade union committees.

The technical inspectors submit an account of their work to the Council of Trade Unions of the Republic and to the regional councils. The labour protection committees report to the factory, works or local trade union committees.

Article 18. The Penal Code lays down penalties for infringement of the legal provisions enforceable by the labour inspectors and for any obstruction caused to the inspectors in the exercise of their duties.

RECOMMENDATION No. 81

Under section 138 of the Labour Code industrial and commercial activities shall not be started and an undertaking shall not be opened or transferred to other premises without the approval of the competent labour services. All plans for new establishments or new plants are submitted for their opinion to the state health inspection service and the central committees of the trade unions.

The technical inspectors are responsible for instructing the workers in respect of industrial safety matters. They are responsible for checking the knowledge of engineers and technicians in this connection, and they supervise the dissemination of information concerning industrial techniques, safety, health and hygiene.

Labour inspectors are not permitted to act as conciliators or arbitrators in proceedings concerning labour disputes.

Cameroon

Eastern Cameroon

CONVENTION No. 81

RECOMMENDATION No. 82

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 the Decree of 20 May 1955 (*J.O.R.F.*, 21 May 1955, No. 121, p. 5060) (*L.S.* 1955—Fr. 3).

Decree No. 59-217 of 21 November 1959 respecting the organisation and operation of the technical supervisory services of the Ministry of Labour and Social Legislation (*Journal officiel du Cameroun*, 2 Dec. 1959).

Ordinance No. 59-170 of 27 November 1959 establishing general rules for public servants (*ibid.*, 12 Dec. 1959).

Decrees Nos. 61-17/COR and 61-13/COR of 30 December 1961 establishing special rules for labour inspectors and labour supervisors (*Journal officiel de l'Etat fédéré du Cameroun oriental*, 16 Mar. 1962, No. 6).

Decree No. 63-46/COR of 16 April 1963 to reorganise the Department of Labour (*ibid.*, 1 May 1963, No. 9).

Order No. 5912 of 2 December 1953 respecting notification of the opening of undertakings.

Order No. 3323 of 28 June 1954 to lay down general health and safety measures for undertakings.

Circular No. 018/TLS/SEGL of 9 February 1965 respecting inspection reports.

All employers and workers are subject to labour inspection, irrespective of their field of activity (including military establishments). The officials of the labour inspectorate (labour inspectors and labour supervisors) come under the Minister of Labour. The inspection staff comprises two labour inspectors who are medical practitioners, seven labour inspectors and 15 labour supervisors.

Labour inspectors have all the powers provided for in Articles 12 and 13 of the Convention, except the right to enter at night establishments liable to inspection.

The new Labour Code being drawn up will rectify this discrepancy, which has until now prevented ratification of the Convention.

Violations of legal provisions enforceable by the labour inspectorate are subject to prompt legal proceedings under Part IX of the Labour Code; obstructing labour inspectors in the performance of their duties is punishable by fine or imprisonment.

The above-mentioned Circular of 1965 provides the necessary directives for the preparation of inspection reports. The Ministry has information on the items enumerated in Article 21 of the Convention, but has not published annual reports up to the present time.

The labour inspectorate collaborates with other government services and with public and private institutions. Only inspectors have powers of enforcement, but the prefects and sub-prefects are their legal deputies. In addition, section 158 of the Labour Code assigns responsibility for safety supervision in mining undertakings to technicians in the Mines Service, who report to the labour inspectors. The labour inspectorate also collaborates with employers (section 145 of the Code) and workers, including staff delegates (section 168 of the Code).

National legislation, regulations and practice are in conformity with the provisions of the Convention, apart from the single exception mentioned above.

RECOMMENDATION No. 81

Order No. 6312 of 22 December 1953 to establish a technical advisory committee on occupational health and safety.

Act No. 59-43 of 14 June 1959 to repeal Chapter 1 of Part VIII of the Act of 15 December 1952 and establish a procedure for the settlement of labour disputes (*Journal officiel*, 1 July 1959).

Decree No. 61-160 of 30 September 1961 governing the organisation and operation of bodies concerned with employment injuries prevention and compensation (*ibid.*, 23 Dec. 1961).

Under section 190 of the above-mentioned Act of 1959 any individual dispute must be submitted to the labour inspectorate for conciliation proceedings. A similar provision is contained in section 209 of the Labour Code with regard to collective disputes.

Canada

CONVENTION No. 81

Federal Legislation.

Canada Labour (Standards) Code, assented to 18 March 1965 (13-14 Eliz. II, Ch. 38) (*Acts of Parliament of Canada, 1964-65*, Part 1, p. 307).

Federal Civil Service Act (*Statutes of Canada, 1960-61*, Vol. 1, p. 381).

Provincial Legislation.

Alberta.

Labour Act (*Revised Statutes (R.S.)*, 1955, Ch. 167), as amended by the 1957 Act (Ch. 38).

Workmen's Compensation Act (*R.S.*, 1955, Ch. 370).

Electrical Protection Act (*R.S.*, 1955, Ch. 99).

British Columbia.

Factories Act (*R.S.*, 1960, Ch. 136).

Electrical Energy Inspection Act (*R.S.*, 1960, Ch. 126).

Male Minimum Wage Act (*R.S.*, 1960, Ch. 230).

Female Minimum Wage Act (*R.S.*, 1960, Ch. 143).

Hours of Work Act (*R.S.*, 1960, Ch. 182).

Annual Holidays Act (*R.S.*, 1960, Ch. 11).

Department of Labour Act (*R.S.*, 1960, Ch. 105).

Payment of Wages Act, assented to 29 March 1962 (10-11 Eliz. II, Ch. 45).

Workmen's Compensation Act (*R.S.*, 1960, Ch. 413).

Manitoba.

Employment Standards Act, assented to 5 April 1957 (Ch. 20).
Construction Safety Act (*R.S.*, 1954, Ch. 29), as amended in 1962 (Ch. 3).
Vacations with Pay Act (*R.S.*, 1954, Ch. 278).
Construction Industry Wages Act, assented to 16 April 1964 (13 Eliz. II, Ch. 9).
Department of Labour Act (*R.S.*, 1954, Ch. 131).
Workmen's Compensation Act, assented to 6 May 1963 (12 Eliz. II, Ch. 98).

New Brunswick.

Industrial Safety Act, assented to 26 March 1964 (13 Eliz. II, Ch. 5).
Fair Wages and Hours of Labour Act, 1953 (Ch. 8).
Industrial Standards Act (*R.S.*, 1952, Ch. 109).
Minimum Employment Standards Act, assented to 26 March 1964 (13 Eliz. II, Ch. 8).
Vacation Pay Act of 1961-62, as amended by the Act of 26 March 1964 (13 Eliz. II, Ch. 59).
Minimum Wage Act (*R.S.*, 1952, Ch. 145).
Workmen's Compensation Act (*R.S.*, 1952, Ch. 255).

Newfoundland.

Minimum Wage Act (*R.S.*, 1952, Ch. 260).
Industrial Standards Act, assented to 20 June 1963 (Ch. 14).
Hours of Work Act, assented to 20 June 1963 (Ch. 69).
Workmen's Compensation Act, assented to 20 March 1962 (Ch. 32).

Nova Scotia.

Factories Act (*R.S.*, 1954, Ch. 92).
Minimum Wage Act, assented to 18 March 1964 (13 Eliz. II, Ch. 7).
Industrial Standards Act (*R.S.*, 1954, Ch. 125).
Employment of Children Act (*R.S.*, 1954, Ch. 83).
Vacation Pay Act of 1958 (Ch. 14).
Workmen's Compensation Act (*R.S.*, 1954, Ch. 319).

Ontario.

Industrial Safety Act, assented to 25 March 1964 (12-13 Eliz. II, Ch. 45).
Minimum Wage Act (*R.S.*, 1960, Ch. 240).
Hours of Work and Vacations with Pay Act (*R.S.*, 1960, Ch. 181).
Industrial Standards Act (*R.S.*, 1960, Ch. 186).
Department of Labour Act (*R.S.*, 1960, Ch. 97).
One Day's Rest in Seven Act (*R.S.*, 1960, Ch. 269).
Workmen's Compensation Act (*R.S.*, 1960, Ch. 437).

Prince Edward Island.

Electrical Inspection Act (*R.S.*, 1951, Ch. 50).
Steam Boiler Act (*R.S.*, 1951, Ch. 151).
Women's Minimum Wage Act, assented to 25 March 1959 (8 Eliz. II, Ch. 33).
Act respecting a minimum wage for men, assented to 13 April 1960 (9 Eliz. II, Ch. 27).
Workmen's Compensation Act (*R.S.*, 1951, Ch. 178).

Quebec.

Industrial and Commercial Establishments Act (*R.S.*, 1941, Ch. 175).
General Regulations concerning industrial and commercial establishments of 13 June 1934 and amendments.
Minimum Wage Act (*R.S.*, 1941, Ch. 164).
Collective Agreement Act (*R.S.*, 1941, Ch. 163).
Weekly Day of Rest Act (*R.S.*, 1941, Ch. 166).
Workmen's Compensation Act (*R.S.*, 1941, Ch. 160).

Saskatchewan.

Factories Act (*R.S.*, 1953, Ch. 336).
Building Trades Protection Act (*R.S.*, 1953, Ch. 341).
Minimum Wage Act (*R.S.*, 1953, Ch. 264).
Hours of Work Act (*R.S.*, 1953, Ch. 260).
Industrial Standards Act (*R.S.*, 1953, Ch. 258).

Annual Holidays Act (R.S., 1953, Ch. 261).

One Day's Rest in Seven Act (R.S., 1953, Ch. 262).

Employees' Wage Act, assented to 8 April 1961 (10 Eliz. II, Ch. 62).

Workmen's Compensation (Accident Fund) Act (R.S., 1953, Ch. 256).

In each of the provinces there are also additional statutes and enactments respecting safety and health in specialised activities and industries.

Articles 1 to 4 and 22 of the Convention. The matters dealt with in the Convention are partly within provincial jurisdiction and partly within federal jurisdiction. A system of labour inspection is being set up by the Federal Department of Labour for the enforcement of the Canada Labour (Standards) Code enacted in 1965 in workplaces within federal labour jurisdiction.

Moreover, all provinces maintain a system of labour inspection in industrial and commercial workplaces but in the two least industrial provinces—Newfoundland and Prince Edward Island—government inspections are carried out to a limited extent. In the last decade inspection services have increased in the country as a whole, both as a result of the establishment of many new industrial undertakings and of the enactment of new or revised legislation relating to conditions of work and the protection of workers while engaged in their work. There has been most change in the field of industrial safety legislation.

Labour inspection falls broadly into two main categories: (i) general safety inspection and mechanical inspection; and (ii) inspection for the enforcement of laws relating to conditions of work. The primary duty of labour inspectors in all provinces is to ensure the observance of the provisions of the laws relating to conditions of work and the protection of workers while engaged in their work. In practice it is also the duty of the inspectors to assist both employers and workers to understand the requirements of the law, and to bring to the attention of the inspectorate any defects or unsatisfactory situations not specifically covered by existing legal provisions.

The system of labour inspection in industrial and commercial workplaces is, so far as the administration of labour standards laws is concerned, under the supervision and control of the Department of Labour. As regards safety legislation, labour inspection is under the supervision and control of either the Department of Labour or the Workmen's Compensation Board. In a few instances specialised inspection staffs come under other departments; thus mine inspectors are under the supervision and control of the Department of Mines. In so far as the provinces are concerned, the type and organisation of inspection services differs according to the provincial legislation and the organisational plan of the department concerned.

Articles 6 and 7. It is general practice in all provinces that the appointment of labour inspectors is subject to the provisions of the public service legislation. Appointments are made on the basis of qualifications only, by way of competitive examination. Inspectors are assured of stability of employment and are independent of changes of government and of improper external influences. Training is mainly conducted on the job, under the supervision of a senior inspector. On-the-job training is supplemented by refresher or training courses in some provinces.

Article 9. In some provinces the inspector is permitted to take with him into any premises under his supervision technical experts or specialists. All inspectorates enlist the assistance of the provincial departments of health in investigating health hazards and in some provinces inspectorates utilise the services of the industrial hygiene divisions of the provincial departments of health in investigating the effects of processes, materials and methods of work on the health and safety of workers.

Article 10. The number of inspectors is commensurate with the effective discharge of the duties to be performed and is determined on the basis of the factors listed in

this Article. At the end of 1963-64 the total number of labour inspectors employed in the provinces was 942. The total number of Workmen's Compensation Board inspectors was 71.

Article 12. The powers of inspectors are practically the same for all provinces and are substantially in compliance with the provisions of this Article. The inspectors, furnished with proper credentials, may, without previous notice during regular working hours either by day or night, enter any premises liable to inspection and make such examination or inquiry as may be necessary. An inspector may interrogate, either alone or in the presence of witnesses, any person whom he finds on the premises. He may require the production of and inspect any documents or records the keeping of which is prescribed by legislation, and may copy such documents or make extracts from them. He is also empowered to enforce the posting of notices and to exercise such other powers as may be necessary.

It is the general practice for the inspector, when visiting an establishment, to notify the employer or his representative of his presence, and most Acts state that the inspector must, on applying for admission to any premises, produce his certificate of appointment, if required to do so.

Article 13. Practically all safety Acts empower the inspector to issue directives to the employer, requiring him to remedy any defects in the plant, etc., which endanger the health or safety of workers, within a specified time limit. Where an unsafe condition presents an immediate hazard, the inspector may, under a number of provincial jurisdictions, issue a stop-work order to the extent needed to avert the danger.

Article 15. Inspection staffs are prohibited by legislation from having any direct or indirect interest in the undertakings or equipment under their supervision. New employees are required to take an oath that they will not without due authority make known any matter which comes to their knowledge in the course of their employment. In practice labour inspectors are forbidden to reveal any trade secrets learned in the course of their duties. Labour inspectors are instructed to treat as confidential the source of any complaint, except where it is necessary to summon the informer to give evidence in court.

Articles 17 and 18. Persons who violate legal provisions enforceable by labour inspectors are liable to prosecution without warning, but it is the practice to warn the employer several times before taking legal action against him. Adequate penalties in the form of fines for such violations and for obstructing inspectors are provided for by legislation.

Articles 19 to 21. Labour inspectors report periodically to the chief inspector on their inspection duties, the frequency of reporting depending on the practice in each province. The chief inspector submits an annual report to the deputy minister, which is incorporated in the annual report of the provincial department of labour. Out of ten provinces, eight departments publish annual reports. None of the annual reports of the provincial departments deals with all the subjects enumerated in Article 21.

Canada has had for many years a system of labour inspection conforming in its essentials to the main principles of the Convention. Some of the more recent legislation strengthens the authority of the inspector. Divided jurisdiction in labour matters has made ratification of this and other Conventions difficult. Inspection services are lacking to a considerable extent in Newfoundland, Prince Edward Island and the Yukon and Northwest Territories. There is not as yet safety legislation and inspection covering all establishments under federal jurisdiction. In some provinces labour inspection is not applicable to commercial workplaces.

RECOMMENDATION NO. 81

For legislation see under Convention No. 81.

In the six more industrial provinces various legislative and administrative arrangements have been made to ensure that notice is given in writing to the labour inspectorate of the occupation of a factory either prior to, at the time of, or shortly after the start of operations. In some of these provinces plans for new factories or the alteration of existing premises must be submitted to the inspectorate for approval. This technique enables the inspectorate to control and supervise the application of legislation and regulations relating to industrial hygiene and safety.

The Labour Management Co-operation Service of the Federal Department of Labour encourages joint consultation in industry through the establishment of labour-management production committees; the promotion of safety is one of the major concerns of these committees. To date, 1,818 committees representing 513,586 employees have been created. The Labour Management Co-operation Service has held several conferences and also publishes bulletins and issues posters to assist committees and stimulate discussion.

In various provinces tripartite industrial safety bodies have been established with a view to the promotion of safety. The departments of labour in most provinces also make use of films, posters, pamphlets and similar methods to inform employers and workers of departmental safety programmes.

The functions of labour inspectors in Canada do not generally include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

The basic principles of the Recommendation are accepted. It is not known whether any measures are contemplated to give effect to provisions not yet implemented.

RECOMMENDATION NO. 82

Federal Legislation.

Canada Shipping Act (Part VII) (*Revised Statutes of Canada (R.S.C.)*, 1952, Ch. 29).
Railway Act (*R.S.C.*, 1952, Ch. 234).

Northwest Territories.

Mining Safety Ordinance (*Revised Ordinances (R.O.)*, 1956, Ch. 70).

Yukon Territory.

Mining Safety Ordinance (*R.O.*, 1958, Ch. 75).

*Provincial Legislation.**Alberta.*

Coal Mines Regulation Act (*Revised Statutes (R.S.)*, 1955, Ch. 47).

British Columbia.

Coal Mines Regulation Act (*R.S.*, 1960, Ch. 61).
Metalliferous Mines Regulation Act (*R.S.*, 1960, Ch. 242).

Manitoba.

Mines Act (*R.S.*, 1954, Ch. 166).

New Brunswick.

Mining Act, 1961-62 (Ch. 45).

Newfoundland.

Regulation of Mines Act (*R.S.*, 1952, Ch. 178).

Nova Scotia.

Coal Mines Regulation Act (*R.S.*, 1954, Ch. 35).
Metalliferous Mines and Quarries Regulation Act (*R.S.*, 1954, Ch. 176).

Ontario.

Mining Act (R.S., 1960, Ch. 241), as amended in 1961-62, (Ch. 81).

Quebec.

Mining Act (R.S., 1941, Ch. 196).

Saskatchewan.

Coal Miners' Safety and Welfare Act (R.S., 1953, Ch. 339).

Mines Regulation Act (R.S., 1953, Ch. 340).

The matters dealt with in the Recommendation are partly within provincial jurisdiction and partly within federal jurisdiction except for uranium mining and processing and one mining company on the Saskatchewan-Manitoba border. Mining undertakings are within the competence of the provincial authorities; but uranium mining operations, although under federal jurisdiction, are inspected by provincial mining inspectorates. In all the mining provinces mines inspection staffs carry out regular inspections under mines legislation. These staffs consist of a chief inspector and other inspectors, some of whom have specialised duties, such as inspection of electrical or mechanical equipment or boilers.

Transport undertakings fall within both jurisdictions. In two areas of federal jurisdiction—shipping, and rail transport operating beyond the boundaries of a province—there are laws which provide for inspection which is designed to ensure the safety of the public and of the employees engaged in the undertaking. Transport undertakings which are subject to provincial jurisdiction are in most jurisdictions covered by labour standards laws which are enforced by labour inspectors.

Mining and transport undertakings within federal jurisdiction are subject to inspection under the Canada Labour (Standards) Code, 1965.

Central African Republic

RECOMMENDATION No. 81

Labour Code, Act No. 61-221 of 2 June 1961 (*Journal officiel de la République centrafricaine (J.O.R.C.)*, Aug. 1961, Extraordinary).

Act No. 60-168 of 12 December 1960 to suppress acts of resistance and disobedience towards the public authorities (*J.O.R.C.*, 15 Dec. 1960, p. 668).

Decree No. 61-205 of 8 December 1961 determining the higher grade appointments to be made by the Government, including that of labour inspector (*J.O.R.C.*, 15 Dec. 1961, p. 486).

General Order of 27 November 1937 respecting health and safety in workplaces (*Journal officiel de l'Afrique équatoriale française (J.O.A.E.F.)*, 1937, p. 1367).

General Order No. 3020 of 29 September 1953 respecting notification of the opening of undertakings (*J.O.A.E.F.*, 1 Nov. 1953).

Order No. 4 of 22 February 1962 governing the organisation and procedure of the Technical Advisory Committee under the Minister of Labour (*J.O.R.C.*, 15 Mar. 1962).

Labour inspectors must be notified of the opening of any undertaking in the manner prescribed by the general order of 29 September 1963. This enables the labour inspectorate to ensure that there is compliance with health and safety conditions.

Employers and workers collaborate in advisory bodies, on which they have equal representation. The Social Security Office deals with the prevention of industrial accidents. Labour inspectors also make suggestions regarding preventive measures during their inspection visits.

There are no safety committees, but workers' representatives are regularly consulted in connection with inquiries carried out by the labour inspectorate.

The Technical Safety Committee studies health and safety problems. Guidance is provided to employers and workers through the press and radio, by the Social

Security Office, by means of I.L.O. documents and also through courses on industrial health and safety given at the technical high school.

Labour inspectors act as conciliators in labour disputes. This system has produced good results during the last 15 years and changes could only be considered once other conciliation machinery has been set up.

The annual inspection reports are drawn up according to a plan similar to that prescribed by the Recommendation.

There is compliance with Paragraphs 1, 5, 6 and 7 of the Recommendation; the application of Paragraphs 2, 3 and 9 is under consideration. The application of Paragraph 8 is rendered difficult on account of the important part played by labour inspectors in connection with conciliation proceedings.

RECOMMENDATION NO. 82

For legislation see under Recommendation No. 81.

The labour inspectorate has general competence which includes mines and transport undertakings. Technical supervision of such undertakings is, however, carried out by technicians, who inform the competent labour inspectors of the measures which they have taken.

Trade union organisations can participate in the enforcement of social legislation by approaching employers, the workers, or the labour inspectorate.

Transport undertakings do not employ wage earners in sufficient numbers to justify a separate system of labour inspection. Officials of the Transport Board could be associated in the work of the labour inspectorate as regards technical supervision of these undertakings.

Ceylon

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

Maternity Benefits Ordinance, No. 32 of 1939 (*Legislative Enactments of Ceylon*, Revised Edition, 1956, Cap. 140), as amended by Acts Nos. 26 of 1952, 6 of 1958 and 24 of 1962, and Regulations made thereunder dated 22 November 1946 and 11 January 1957 (*Ceylon Labour Gazette*, Vol. VIII, No. 1, Jan. 1957).

Wages Boards Ordinance, No. 27 of 1941, as amended by Ordinances Nos. 40 of 1943 and 19 of 1945, Acts Nos. 5 of 1953, 27 of 1957 and 1962, and Regulations made thereunder.

Factories Ordinance, No. 45 of 1942, as amended by Ordinance No. 22 of 1946, Act No. 54 of 1961 and Regulations made thereunder.

Labour Inspections (Maintenance of Secrecy) Act, No. 17 of 1953.

Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1954 (*L.S.* 1954—Cey. 1), as amended by Ordinance No. 60 of 1957 (*L.S.* 1957—Cey. 2) and Regulations made thereunder.

Employment of Women, Young Persons and Children Act, No. 47 of 1956 (*L.S.* 1956—Cey. 2), and Regulations made thereunder.

Motor Traffic (Amendment) Acts, Nos. 1 of 1956, 7 of 1957, 35 of 1962, 39 and 40 of 1964.

Motor Transport Act, No. 48 of 1957, as amended by Act No. 22 of 1961.

The Commissioner of Labour, the Commissioner of Motor Traffic and the Inspector of Mines, respectively, supervise the application of the relevant labour legislation.

Several changes in the law and practice are necessary to give effect to Recommendation No. 81. Such modifications will receive due consideration when amendments to existing legislation are contemplated.

Chad

RECOMMENDATION NO. 81

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, p. 5060) (*L.S.* 1955—Fr. 3) (Part VII, Ch. I).

Two inter-regional labour inspectorates are at present in operation at Fort-Lamy and Moundou, under the direction of senior labour officials assisted by labour supervisors. These two inspectorates come under the Directorate of Labour and Social Legislation of the Ministry of Labour.

The labour inspectors arrange their tours at their discretion, and send periodic reports to the Director of Labour and Social Legislation. They are reimbursed for the expenses incurred in the exercise of their duties.

The Ministry of Justice, acting through the Labour Court, which is tripartite, as well as the trade union organisations and staff delegations, share with the Ministry of Labour responsibility for the application of the laws and regulations.

All the provisions of the Recommendation are covered by the legislation in force. Nevertheless, the Government has been unable to accept the Recommendation owing to the provision prohibiting inspectors from taking part in conciliation and arbitration proceedings, which conflicts with national policy in this field. An amendment to this Paragraph would enable the Government to accept the instrument.

Chile

CONVENTION NO. 81

Legislative Decree No. 308 of 1 April 1960 to provide for the establishment of the Directorate of Labour (*Diario Oficial*, 6 Apr. 1960).

Act No. 15358 of 2 November 1963 to prescribe the staffing of the Directorate of Labour, amend Legislative Decree No. 308, and impose taxes on wages and salaries for the purpose of financing employment services (*ibid.*, 25 Nov. 1963).

Legislative Decree No. 338 of 5 April 1960 to prescribe the Civil Service Rules (*ibid.*, 6 Apr. 1960).

Act No. 14972 of 24 October 1963 to alter the amounts of fines for offences under social legislation in force (*ibid.*, 21 Nov. 1962).

The Directorate of Labour is responsible for the application of the social legislation, secures the enforcement thereof, supplies information and advice to workers, employers and their organisations, studies and proposes amendments to the law, collaborates with other departments and authorities, and deals with employment and manpower problems. The Directorate is divided into six departments: the Legal Department, the Inspection Department, the Department for Collective Disputes, Wages and Salaries, the Department of Social Organisations, the Employment and Manpower Department and the Administrative Department.

The Inspection Department supervises the procedural and technical aspects of inspections, prescribes standards and gives instructions respecting supervision, collaborates with employers and workers and their organisations in order to facilitate compliance with, and prevent violations of, the social legislation, and studies labour conditions.

For this purpose inspectors may visit workplaces at any hour of the day or night. Any person obstructing them in the performance of their duties shall be liable to a fine to be imposed by the provincial inspector.

Employers are required to assist the inspectors in the performance of their duties by facilitating entry to workplaces, interviews with workers and the discussion of the problems to be solved.

A system of inspection in industry and commerce has been established and is subordinate to the Directorate of Labour. The inspectors are public officials and have the powers of *Ministros de Fe*¹ in the performance of their official duties.

Recruitment is effected at the lowest grade of the appropriate scale, after a proficiency examination. The director of the service decides which posts are to be filled by men and which by women.

In order to be appointed an inspector a person must be in possession of a diploma of barrister, commercial engineer, or chartered accountant, or be a graduate in political and administrative sciences or law, or be in possession of a secondary diploma and have completed an approved course of training.

The Directorate of Labour, with the collaboration, where necessary, of the universities, organises preparatory and further training courses for prospective and serving inspectors.

There are provincial, departmental and commune inspectors, who act within their respective spheres of competence. Barristers, accountants, statisticians and social visitors collaborate with the inspectors.

Sections 30 to 36 of Legislative Decree No. 308 confer powers on the inspectors conforming to Articles 12 and 13 of the Convention.

Act No. 14972 prescribes penalties for persons who violate provisions enforceable by the inspectors or who obstruct inspectors in the performance of their duties. These penalties are applicable by the inspectors through administrative channels, and an appeal may be brought to the labour judge.

Inspectors must submit daily reports on their work. The Directorate of Labour publishes an annual report.

Employers collaborate in the manner already stated and by answering questionnaires prepared by the Directorate of Labour. In addition any person may report violations of the law to the inspectors. Other government services collaborate with the inspectorate in technical matters, whenever requested to do so.

The provisions of the Convention have been taken into consideration in Act No. 15358, which relates to inspection personnel.

The inspectorate does not have the collaboration of specialists in medicine, engineering, electricity and chemistry, as prescribed in Article 9 of the Convention, nor does it have suitably equipped local offices or transport facilities in cases where suitable public facilities do not exist, as Article 11 of the Convention provides.

No immediate measures are envisaged for the full application of the Convention.

RECOMMENDATION No. 81

Regulations No. 545 of 24 May 1932 respecting general living conditions,]

The owner of any industry or trade, or his representative, must, before starting activities, give notice to the labour inspectorate in order that the latter may ascertain whether the provisions in force are being complied with and report any defects observed. Such notice must contain all the necessary particulars.

The Directorate of Labour and the National Health Service are the authorities responsible for applying the relevant provisions.

No immediate measures are envisaged for the full application of the Recommendation.

¹ I.e. have power to issue documents constituting prima facie evidence in court.

RECOMMENDATION No. 82

The general provisions respecting inspection apply to mining and transport undertakings. The information submitted under Convention No. 81 is, therefore, relevant to this Recommendation.

The Directorate of Labour, through its inspectors, is the authority responsible for applying the relevant legislation. No rules have been prescribed respecting the collaboration of employers' or workers' organisations with the inspectors, apart from the right of any person to report violations of the law.

No immediate measures are envisaged for the full application of the Recommendation.

China

RECOMMENDATION No. 81

Factory Inspection Act of 10 February 1931 (*Labour Laws and Regulations of China (L.L.R.C.)*, 1961, p. 27).

Factory Act of 30 December 1932 (*L.S.*, 1932—Chin. 2A) and Regulations made thereunder (*L.S.*, 1932—Chin. 2B).

Mines Act of 25 June 1936 (*L.L.R.C.*, 1961, p. 30).

Factory Registration and Application Act.

Small-Scale Industry Registration Act.

Commercial Registration Act.

Mining Registration Regulations.

Texts concerning the creation of health and safety committees for mining areas.

Regulations of 6 March 1965 for the establishment of personnel in charge of factory health and safety.

Paragraph 1 of the Recommendation. All industrial and commercial establishments must, prior to their operation, apply for registration with the competent authority. Through the latter the labour inspectorate may obtain necessary data at all times.

Paragraph 2. The labour inspectorate is competent to carry out pre-operational inspection, but not to examine plans for new establishments or processes of production.

Paragraph 3. Labour inspectors may take immediate steps to remedy defects constituting a threat to the health and safety of workers. The competent authority may, under section 44 of the Factory Act, order any alterations to be effected and, when necessary, close down part of the establishment for the purpose.

Paragraph 4. Representatives of employers and workers work together in factory councils and in mining health and safety committees for the improvement of health and safety conditions.

Paragraph 5. The mining health and safety committees come under the authority of the Factory and Mine Inspection Committee. Factory officers in charge of health and safety must report on all matters related thereto to visiting government inspectors and heed their recommendations.

Paragraph 8. Labour inspectors do not act as conciliators or arbitrators in proceedings concerning labour disputes.

Measures are envisaged for further compliance with the provisions of the Recommendation.

RECOMMENDATION No. 82

For legislation see under Recommendation No. 81.

☐ The Government has initiated labour inspection in mines and plans to apply labour inspection in transport undertakings by establishing a code of standard labour conditions.

Colombia

Labour Code, Decree No. 2663 of 5 August 1950 (*Diario Oficial (D. O.)*, 9 Sep. 1950, No. 27407, p. 929) (*L.S.* 1950—Col. 3A), as amended by Decree No. 3743 of 20 December 1950 (*D.O.*, 11 Jan. 1951, No. 27504, p. 113) (*L. S.* 1950—Col. 3B).

Decree No. 1732 of 18 July 1960 respecting the civil service and administrative careers.

Decree No. 1631 of 1963 to reorganise the Ministry of Labour.

Resolutions of the Ministry of Labour Nos. 917 (functions of labour inspectors) and 1008 (notification of industrial accidents) of 1961.

Decree No. 961 of 1962 respecting the functions of minimum wages supervisors.

Circular of June 1961 of the Head of the Technical Branch of the Ministry of Labour.

Under sections 485 and 486 of the Labour Code the Ministry of Labour is responsible for supervising the application of the provisions of the Code. For this purpose, heads of department, inspectors, visitors and heads of section of the Ministry of Labour are endowed with the powers of chiefs of police and have authority to impose fines ranging from 50 to 2,000 pesos.

Under sections 1 and 24 of Decree No. 1631 of 1963 the Ministry of Labour has administrative responsibility for all matters in respect of which it is necessary to ensure the observance of labour laws and for safeguarding these laws; the Supervision and Control Section of the Industrial Medicine Division of the Ministry of Labour is responsible for supervising compliance with the labour laws relating to industrial medicine, health and safety, for ensuring compliance in workplaces with the general provisions respecting public health, for visiting workplaces in order to ascertain whether these provisions are being observed and for submitting the necessary reports on any irregularities that are discovered.

Sections 69 and 73 of the same decree prescribe that each general directorate shall be composed of such sections and inspectorates as the circumstances require, and that the inspectors shall perform such duties as are assigned to them in the general regulations of the Ministry, and submit reports on their work and their findings to the Director-General.

Resolution No. 917 of 1961 prescribes the duties of the labour inspectors and specifies, *inter alia*, the duty of visiting undertakings periodically in order to ascertain whether the social provisions are being complied with, especially those relating to safety and health, the employment of women and young persons, housing, wages, statutory or contractual social benefits, etc. Inspectors are required to prepare a report on each visit. This report, which has to be signed by the employer or his representative, must give details of the visit, including any irregularities discovered, and must contain an entry to the effect that the offender has been notified. The report must prescribe a period not exceeding 30 days for the rectification of the irregularities. Persons who fail to make such rectification within the period prescribed are liable to a fine of not less than 50 and not more than 2,000 pesos.

A circular sent to the labour inspectors in June 1961 by the Head of the Technical Branch of the Ministry of Labour lays down that inspectors shall only take coercive action in extreme cases, that they must exhaust all means of persuasion and advice, and that, in the course of their visits, they may examine all workplaces, books, papers, registers, etc., but that they must act with the greatest circumspection and preserve absolute secrecy.

Resolution No. 1008 of 1961 prescribes that, at the end of each quarter, employers in whose establishments industrial accidents have occurred must submit to the Indus-

trial Medicine Division of the Ministry of Labour duly authenticated copies of the notifications of industrial accidents that they have sent to the judges.

Decree No. 961 of 13 April 1962 approves the duties of minimum wage visitors, which consist in carrying out inspections of industrial, commercial, agricultural, stock-breeding and mining establishments, imposing the prescribed penalties where offences are discovered, instructing employers and workers as to their respective obligations, and sending accurate and detailed reports on their work at the end of each month.

The labour inspectorates in the various regional directorates of labour throughout the country supervise compliance with the labour laws, not only in commercial and industrial establishments, but in all workplaces. It is also the duty of the labour inspectors to act as conciliators in individual disputes, and the great majority of their time is spent in conducting conciliation hearings.

Decree No. 1732 of 1960 respecting the civil service and administrative careers prescribes the rules for such careers. The selection of civil servants is based entirely on merit, qualifications and ability. There is equal opportunity for all as regards entry into the public service, and civil servants are guaranteed satisfactory living conditions, stability and promotion according to merit and efficiency. In order to fill posts every head of a government service must apply for candidates to the National Civil Service Commission, which prepares lists of candidates suitable for the various types of public employment, by means of competitions organised by the Administrative Department of the Civil Service. The Civil Service Commission authorises temporary appointments in the absence of suitable candidates. In the case of labour inspectors no competitions have been organised so far, and for this reason their appointment is temporary. Under section 53 of Decree No. 1732 of 1960 temporary employees carry out their duties until such time as the posts are filled by suitable candidates referred to the authority concerned by the head of the Administrative Department of the Civil Service.

The report goes on to give an account of the various departments and territories making up the country, indicating the number of inspectors of each grade serving in each.

Inspectors have the powers prescribed in Article 12 of the Convention. With regard to Article 13 of the Convention, section 348 of the Labour Code makes it compulsory for undertakings to supply and install premises and equipment ensuring the safety and health of the workers, while section 352 provides that the Ministry of Labour, through the National Office of Industrial Medicine and Hygiene, shall ensure compliance with such provisions, warn persons failing to comply therewith and, in the event of negligence or the repetition of an offence, impose penalties.

The legislation has not been amended to give effect to the Convention. The conciliatory duties assigned to the labour inspectors leave them very little time for actual inspection. Moreover, the budget of the Ministry of Labour does not permit of any increase in the number of inspectors.

The Convention has been submitted to Parliament. If it is approved, it is hoped that the Government will take the necessary steps to give effect to it.

RECOMMENDATION No. 81

National Health Code, Decree No. 1371 of 1953.

Prior notification is not compulsory, but all undertakings and employers are required to submit to the inspector of labour, in February and July of each year, a report containing the particulars prescribed in Resolution No. 242 of 1959.

Section 301 of the National Health Code provides that no building may be erected, enlarged or altered unless the plans have been approved as regards their technical-sanitary aspects by the appropriate health authority. Section 588 of the Code provides that municipalities, institutions, undertakings and factories must obtain a special permit for the operation, extension, construction or enlargement of any establishment which causes prejudice, or is capable of causing prejudice, to individuals or to the public generally. Applications for permits must be submitted to the Ministry of Public Health and must be accompanied by the plans themselves. Under section 589 of the Code the Ministry of Public Health investigates the complaints of the persons who are affected or who have sustained prejudice, and orders such changes as may be necessary to safeguard their health and well-being.

RECOMMENDATION No. 82

The labour inspectorate does not exclude mining and transport undertakings from its sphere of activity. There is no special inspectorate for mines or transport, although in some localities labour inspectorates have been set up due to the presence in those localities of large numbers of mineworkers.

The central administration of the Ministry of Labour includes a section for urban and mining affairs, one of the functions of which under section 14 of Decree No. 1631 is to issue rules with a view to ensuring that the labour laws are complied with in the urban sector (which includes transport) and in mining.

Congo (Brazzaville)

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Labour Code, Act No. 10-64 of 25 June 1964 (*Journal officiel de la République du Congo*, 9 July 1964, No. 14, Extraordinary, p. 547) (sections 151 to 161).

Merchant Shipping Code, Act No. 30-63 of 4 July 1963 (*ibid.*, 6 July 1963, Extraordinary).

Decree No. 65-61 of 24 February 1965 to prescribe rules for the organisation and functioning of the labour and social welfare services (*ibid.*, 1 Mar. 1965, No. 5).

Order No. 972 of 16 March 1953 to establish a Federal Advisory Commission on Labour under the General Inspectorate of Labour and Social Legislation (*Journal officiel de l'Afrique équatoriale française*, 1 Apr. 1953, p. 584).

Order No. 973 of 16 March 1953 to establish a Territorial Advisory Commission on Labour under the Inspectorate of Labour and Social Legislation (*ibid.*, p. 585).

Order No. 1741bis/IGT of 27 May 1953 to prescribe the composition of the Federal Advisory Commission on Labour (*ibid.*, 1 June 1953, p. 884).

Order No. 1337/ITT of 23 June 1953 to prescribe the composition of the Middle Congo Territorial Advisory Commission on Labour (*ibid.*, 1 Aug. 1953, p. 1166).

Articles 1 to 5 of the Convention. The labour inspectorate has general competence extending to all establishments which employ workers coming within the scope of the Labour Code, irrespective of the activities carried on. The labour inspectorate is supervised by the Director of Labour and Social Welfare Services. There are two regional inspectorates, one at Brazzaville and the other at Pointe Noire, each consisting of one labour inspector and two labour supervisors. In addition labour supervisors are in charge of the labour supervision offices at Dolisie, Jacob and Makoua.

Work in mines and quarries is subject to supervision by a technical service which secures the enforcement of the relevant regulations and which, for this purpose, has

been given the powers of inspectors of labour and social legislation (sections 158 and 159 of the Code).

The government services, like non-governmental institutions and employers' and workers' organisations, collaborate with the inspection service by their participation in the work of the various committees.

Article 6. The staff of the Inspectorate of Labour and Social Legislation is composed of civil servants governed by the general rules for the civil service and by various special rules.

Article 12. Labour inspectors have the power to enter at any hour of the day establishments subject to the inspectorate's supervision, and to enter at night premises where collective night work is known to be carried on. If necessary, they may obtain opinions and advice from medical practitioners and technical personnel and have themselves accompanied on their visits by interpreters, employees' representatives, medical practitioners and technical personnel. They are empowered to carry out any examination, test or inquiry which they consider necessary to secure enforcement of the legal provisions and, *inter alia*, to interrogate the employer or the staff of the undertaking, to require the production of any register or document that is necessary, and to take or remove for purposes of analysis samples of materials and substances used.

Article 15. Under sections 152 and 153 of the Labour Code the officials of the inspectorate undertake upon oath to discharge their duties faithfully and not to reveal, even after leaving the service, any manufacturing secrets which may come to their knowledge in the course of their duties. Any breach of this oath is punishable under the Penal Code. Inspectors must also treat as confidential any complaint respecting a breach of the legal provisions. In addition officials of the inspectorate must not have any direct or indirect interest in the undertakings under their supervision.

Articles 17 and 18. The inspectors take proceedings against any person violating the laws or regulations and directly notify the competent judicial authorities, in accordance with section 154 of the Labour Code.

Articles 19 to 21. Labour inspectors and supervisors submit monthly reports to the Director of Labour and Social Welfare Services. On the basis of these reports the Director prepares a monthly report which he submits to the Minister of Labour.

The ratification of the Convention is delayed owing to the shortage of qualified personnel in the labour inspectorate (labour inspectors and supervisors have ancillary duties which prevent them from giving their full attention to inspection) and owing to the inadequacy of the material installations in the employment offices and services.

Congo (Leopoldville)

CONVENTION No. 81

Decree of 16 March 1950 to establish a system of labour inspection in the Congo (*Bulletin officiel du Congo belge*, 15 Apr. 1950) (L.S. 1950—Bel. C. 1).

Ordinance No. 22-122 of 6 April 1954 to establish safety and health committees in undertakings (*Bulletin administratif du Congo belge*, 17 Apr. 1954, No. 16) (L.S. 1954—Bel. C. 1).

Ordinance No. 123 of 1 May 1964 relating to workers' representation in undertakings.

The decree of 1950 established a system of labour inspection. It describes the scope, task, powers and obligations of the labour inspectorate and provides for appropriate penalties.

Every person and body corporate, whether private or public, who or which is party to a labour contract, is liable to labour inspection in industry, commerce and agriculture. There is a separate system of inspection for mines.

The general task of the labour inspectorate is to ensure social justice and sound labour-management relations.

Special rules for inspection staff are in course of preparation; meanwhile, the general civil service rules apply to inspectors. The inspection system comes under the Minister of Labour of the central Government.

The I.L.O. has concerned itself with the training of the staff of the labour inspectorate since 1960, either within the country or through the intermediary of the Paris Institute of Advanced Studies for Students from Overseas Countries. Some staff are recruited from the School of Law and Administration of the Congo. In 1964 the inspection staff consisted of 55 persons, five of whom were supervisors.

The Belgian Industrialists' Association collaborates with the labour inspectorate on technical matters. There is an industrial health and safety section in the Ministry of Labour.

The decree of 16 March 1950 gives effect to Articles 12 and 13 of the Convention. Inspectors are empowered to enter freely by day or night any establishment under their supervision. They are prohibited from having any interest in the undertakings under their supervision and are bound by professional secrecy; the source of any complaint must be treated as confidential. Penalties are prescribed for violations of the legal provisions and for obstructing labour inspectors in their task. Inspectors are required to give warning before making a report with a view to the institution of legal proceedings; there is no provision for prompt legal proceedings.

Inspectors are required to submit to the central authority reports on each inspection, as well as monthly reports on their activities. Up to the present these reports have not been utilised for the preparation of an annual report.

National legislation is in conformity with the Convention, which will in due course be presented to Parliament for ratification.

RECOMMENDATION NO. 81

Dangerous, unhealthy or noxious establishments cannot be erected, moved, altered or operated without a special permit. Before such a permit can be issued, the labour inspectorate must give an opinion to the competent authority of the administrative district concerned.

The collaboration of workers and employers in regard to safety and health is secured, *inter alia*, through safety and health committees. It is also achieved through an advisory labour committee in which representatives of the Minister of Labour participate.

There are no special measures for instructing employers and workers in social questions, though radio programmes are being planned in this connection.

An annual report has not yet been published, but it could be published as soon as the political situation permits.

No amendment appears to be necessary for the adoption of the Recommendation.

RECOMMENDATION NO. 82

Decree of 13 April 1937 respecting the inspection of mines.

Decree of 21 March 1950 respecting the hygiene, safety and health of mineworkers (*Bulletin administratif du Congo belge*, 15 May 1950).

Ordinance No. 43-187 of 13 May 1955 prescribing safety measures for the operation of quarries (*ibid.*, 11 June 1955).

Transport undertakings are subject to the general system of labour inspection.

The decree of 1937 respecting labour inspection in mines empowers mining engineers and staff of the geological services to act as labour inspectors. In order to replace this corps of inspectors, which ceased to exist on the achievement of independence, the Belgian Engineers' Association has been charged with performing these functions. In addition, the Government has applied for bilateral assistance in training mining engineers.

Collaboration between the inspectorate and employers and workers is ensured, in this sector also, through the health and safety committees.

Measures have already been taken to give effect to all the provisions of the Recommendation.

Costa Rica

RECOMMENDATION NO. 81

Labour Code, Act No. 2 of 27 August 1943 (*La Gaceta*, 29 Aug. 1943, No. 192, p. 1169) (*L.S.* 1943—C.R. 1).

Act No. 1860 of 21 April 1955 of the Ministry of Labour and Social Welfare, as amended by Act No. 3095 of 18 February 1963.

Decree No. 4 of 16 July 1957 to promulgate the regulations of the Occupational Safety and Health Council.

There are no provisions making it compulsory for prior notice to be given to the labour inspectorate of the opening of an industrial or commercial establishment. Regulations are being prepared respecting the submission to the labour inspectorate of the plans for new establishments, plant or processes of production. Provisions respecting the execution of plans for plant deemed to be dangerous or unhealthy are contained in regulations 6, 28, 29, 35 and 36 of the regulations of the Occupational Safety and Health Council.

Provision is made in section 208 of the Labour Code and section 66 of Act No. 1860 for the setting up of joint safety and health committees in undertakings. Provision is also made in section 208 of the Code for the collaboration of the joint committees with the inspectorate and with the Occupational Safety and Health Council and Office. Employers and workers are given instruction in labour legislation and industrial health and safety by the inspectors, and more specifically by the Office of Occupational Safety and Health. Instruction in these questions is also given in vocational schools. Use is made of lectures, talks and films.

It should be explained that responsibility for matters connected with industrial safety and health is centralised in the Office of Occupational Safety and Health and in the Occupational Safety and Health Council (sections 63 to 68 of Act No. 1860 and Decree No. 4 of 16 April 1957).

The functions of labour inspectors do not include acting as conciliators or arbitrators. The Office of Trade Union Affairs and Administrative Conciliation settles individual disputes (section 43 of Act No. 1860), while conciliation and arbitration boards have been set up to settle collective disputes (sections 497 to 530 of the Labour Code).

The monthly and annual reports prepared by the inspectorate are administrative reports for the information of the Minister and the Legislative Assembly. The inspectorate prepares not very detailed statistics on undertakings visited and violations of the laws; statistics relating to industrial accidents and occupational diseases are prepared by the National Insurance Institute.

It is the function of the labour inspectorate to secure the enforcement of labour laws and social security legislation. In discharging this function the inspectorate has the collaboration of the trade unions and, occasionally, of the employers' associations. No specific procedures or practices have been prescribed for such co-operation. Violations are reported to the inspectorate in the normal way.

Measures will be taken to bring the annual reports on inspection into conformity with Paragraph 9 of the Recommendation.

No modification of the Recommendation is necessary.

RECOMMENDATION No. 82

Mining and transport undertakings are subject to the general system of labour inspection.

Cuba

RECOMMENDATION No. 81

Order of 8 September 1964 to give effect to the general rules respecting the organisation of occupational safety and health.

The laws and regulations relating to this Recommendation have been communicated to the International Labour Office in the reports submitted with regard to Convention No. 81.

The rules mentioned above, which are to be applied progressively, contain general principles and provisions respecting organisation and inspection, safety and health, statistics, training courses, investigation and extension work, etc.

The responsible authorities are the Ministry of Labour and the Ministry of Public Health. The rules define the competence of these Ministries and the cases in which they are required to act jointly or after prior consultation. The collaboration of employers and workers with the responsible authorities will be secured, *inter alia*; through the safety committees to be set up in workplaces in which more than 25 persons are employed or collectively for different workplaces and workers. These committees are now being established. One of their activities will be the organisation at the national level of elementary courses in subjects coming within their competence.

The legal provisions in force and the practice followed are consistent with the Recommendation, but the Government is constantly endeavouring to perfect and improve them. It is not proposed to amend the national legislation.

RECOMMENDATION No. 82

The laws and regulations relating to inspection also apply to mining and transport undertakings.

The inspection of mines in order to secure the enforcement of the provisions respecting safety and health is one of the principal functions of the competent authorities.

The legal provisions in force and the practice followed are consistent with the Recommendation, but the Government is constantly endeavouring to perfect and improve them. It is not proposed to amend the national legislation.

Cyprus

RECOMMENDATION NO. 81

Criminal Code (*Laws of Cyprus (L.C.)*, 1949 edition, Cap. 13) (section 130).
Shop Assistants Law, 1949 (*L.C.*, Cap. 185).
Summer Afternoon Recess Law (*L.C.*, Cap. 186).
Employment of Women (during the Night) Law, No. 15 of 23 February 1932 (*L.C.*, Cap. 180) (*L.S.* 1932—Cyp. 2A).
Employment of Women (in Mines) Law, No. 38 of 10 November 1936 (*L.C.*, Cap. 181) (*L.S.* 1936—Cyp. 1).
Minimum Wage Law (*L.C.*, Cap. 183).
Children and Young Persons (Employment) Law, No. 33 of 30 September 1953 (*L.C.*, Cap. 178) (*L.S.* 1953—Cyp. 2).
Accidents and Occupational Diseases (Notification) Law, No. 32 of 30 September 1953 (*L.S.* 1953—Cyp. 1A), as amended by the Accidents and Occupational Diseases (Notification) Law, No. 23 of 1957 (*L.C.*, Cap. 176).
Mines and Quarries (Regulation) Law, No. 14 of 1953, as amended by the Mines and Quarries (Regulation) Law, No. 6 of 1956.
Factories Law, No. 38 of 22 December 1956 (*L.C.*, Cap. 134).
Mines and Quarries Regulations, 1958 (*L.C.*, Cap. 270) (*Cyprus Gazette*, No. 4160 of 22 July 1958, Supplement No. 3).
Factories (Manner of Preparing Boilers when Cold) Order, dated 9 September 1957 (*L.C.*, Cap. 134).
Factories (First Aid) Order, dated 3 April 1957 (*L.C.*, Cap. 134).
Accidents and Occupational Diseases (Notification) (Dangerous Occurrences) Order, dated 24 October 1953 (Order in Council No. 2647) (*Cyprus Gazette*, 24 Oct. 1953) (*L.S.* 1953—Cyp. 1B).
Motor Vehicles and Road Traffic Law (*L.C.*, Cap. 332).
Motor Vehicles (Drivers' Hours of Work) Regulations, 1955 (*L.C.*, Cap. 332).
Hours of Employment Law (*L.C.*, Cap. 182).
Employees (Hours of Employment) Order, 1961.
Mines and Quarries (Hours of Employment) Order, 1961.

Advance notice must be given to the Chief Inspector of Factories of the intention to open or take over an industrial establishment. Plans for new establishments, plants or processes of production are submitted to the Chief Inspector. Subject to appeal, the execution of plans deemed under the relevant legislation to be dangerous or unhealthy is conditional upon the carrying out of alterations ordered by the inspectorate.

Employers' and workers' collaboration in improving safety and health is encouraged through such measures as the establishment of the Pancyprian Safety Council and the setting up of safety committees within undertakings.

The central authority is the Ministry of Labour and Social Insurance. Close collaboration exists with other departments.

Labour inspectorate representatives discuss labour law enforcement problems with workers' and employers' representatives on joint committees and similar bodies. Advice and instruction are given as appropriate.

The functions of labour inspectors do not include that of acting as conciliator or arbitrator in labour disputes.

RECOMMENDATION NO. 82

For legislation see under Recommendation No. 81.

The mines inspectorate is a division of the Ministry of Commerce and Industry and is under the control of the Senior Inspector of Mines. Close co-operation exists

between it and the Department of Medical Services and representatives of workers and management.

A system of inspection is applied to transport undertakings by the labour inspection service of the Ministry of Labour and Social Insurance.

Dahomey

CONVENTION NO. 81

RECOMMENDATION NO. 82

Labour Code, Act No. 52 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 the Decree of 20 May 1955 (*J.O.R.F.*, 21 May 1955, No. 121, p. 5060) (L.S. 1955—Fr. 3) (sections 145 to 154 and 230).

The labour inspection provided for under the Labour Code applies to all industrial, commercial and agricultural undertakings, including mines, surface mines, quarries and transport undertakings. The inspection service comes under the authority of the Minister of Labour.

The labour inspectors are recruited from among the regular civil servants who have a degree in law. They must undergo a training period of two years in the social studies department of the Paris Institute of Advanced Studies for Students from Overseas Countries. An advanced level of education and adequate professional experience may be considered to replace the above conditions.

The labour inspectors are prohibited from having any interest in the undertakings under their supervision and are bound not to reveal, even after leaving the service, any manufacturing secrets which may have come to their knowledge in the course of their duties.

The labour inspectors have all the powers provided for in Article 12 of the Convention, and any person who obstructs them in the performance of their duties is liable to a fine and to imprisonment ranging from 15 days to three months, or to one or the other of these penalties.

The national territory is subdivided into three interdepartmental labour inspectorates which have their headquarters at Cotonou, Bohicon and Parakou, respectively. The inspection staff consists of two labour inspectors assisted by supervisors. A physician is to be appointed to the post of labour inspector at Cotonou and, in the meantime, hospital physicians and public works engineers collaborate with the labour inspectors.

The central authority can require labour inspectors to submit reports on their activities, but this is not specifically prescribed by the Labour Code.

National legislation and practice give effect to all provisions of the Convention.

RECOMMENDATION NO. 81

Order No. 1604/IGTLS/AOF of 4 March 1954 respecting notification of undertakings (*Journal officiel de l'Afrique occidentale française*, 1954, p. 446).

See also under Convention No. 81.

Under section 2 of the order of 1954 any person who proposes to open an undertaking or an establishment is required to give notice in advance to the Inspector of Labour and Social Legislation. The Inspector is empowered to oppose any plans which would hinder or prevent compliance with the laws and regulations concerning occupational health and safety.

The election of workers' delegates and the participation of workers' and employers' representatives in the Advisory Committee on Labour, and in all other committees

dealing with labour matters and composed of equal numbers of employers' and workers' representatives, enables employers and workers to collaborate in the enforcement of the labour legislation.

National legislation complies with all the provisions of the Recommendation with the exception of Paragraph 8, according to which labour inspectors should not act as conciliators in labour disputes. Section 209 of the Labour Code provides, on the contrary, that every collective dispute must first be brought before a labour inspector in an attempt at conciliation. Far from prejudicing the enforcement of the labour legislation, this practice provides labour inspectors with important details concerning working conditions.

Denmark

RECOMMENDATION NO. 81

Act No. 226 of 11 June 1954 respecting workers' protection generally (factories and workshops: safety and hygiene; hours of work; women and young persons; labour inspection) (*Lovtidende A*, 30 June 1954, No. XXIII, p. 535) (*L.S.* 1954—Den. 1).

Act No. 227 of 11 June 1954 respecting workers' protection in commercial establishments and offices (safety and hygiene; hours of work; young persons; labour inspection) (*Lovtidende A*, 30 June 1954, No. XXIII, p. 572) (*L.S.* 1954—Den. 2).

Regulation No. 203 of 12 June 1958 on safety services, as amended on 8 June 1959.

Paragraph 2 of the Recommendation. Act No. 226 provides for the submission of building plans of undertakings to the labour inspection service. This provision is largely used.

Paragraph 4. Under the regulations on safety services such services are to be set up for undertakings of a specified size in industry, trade, building, construction, laboratories, transport, and work in storerooms and warehouses; they shall include representatives of management, supervisors and workers, as well as safety engineers and industrial medical officers and nurses. The safety service is responsible for ensuring the application of safety measures, making recommendations relating to safety and health at the workplace and inquiring into the causes and circumstances of accidents.

Paragraph 5. Directions have been issued to inspectors concerning the cases in which, on the occasion of inspections, they should contact the safety service.

Paragraphs 6 and 7. Safety service congresses have been organised in co-operation with employers' and workers' organisations and a journal is published giving information on topical safety problems.

Paragraph 9. Details are given concerning the annual reports of the labour inspection service, which, in the Government's opinion, comply generally with the provisions of the Recommendation. However, consideration is being given to changing the method of statistical analysis of material with a view to meeting more fully the requirements of the Recommendation.

Industrial medical officers are notified to a limited extent only of occupational diseases but it is anticipated that this arrangement will be changed following the issue of new relevant regulations.

RECOMMENDATION NO. 82

The Government refers to the report which it supplied for the period ending 31 December 1955.¹

¹ See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1956), p. 52.

Ecuador

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Labour Code and amendments thereto.

There is a system of labour inspection for industrial and commercial establishments and other undertakings which comes under the supervision and control of the Directorate-General of Labour. Labour inspectors are appointed and relieved of their posts by the Executive. The Labour Code prescribes their duties and powers. In conformity with national legislation labour inspectors carry out their functions at the provincial level. They are classified by the Personnel Department as qualified technical staff.

Under the Code labour inspectors have the powers laid down in Articles 12 and 13 of the Convention. In addition they deal with questions concerning the health and safety of workers, as prescribed in Part IV (Chapters I to V) of the Code.

Employers who violate the legislative provisions are penalised by the Director-General of Labour or the inspector.

The Labour Code provides that inspectors shall submit monthly statistics and reports on their work to the Director-General of Labour.

Workers' and employers' organisations are required to collaborate with the labour inspectors with a view to improving labour-management relations and avoiding as far as possible individual or collective complaints. Basically, such collaboration is intended to prevent labour disputes.

The State is responsible for the enforcement of labour legislation through the bodies mentioned in Chapter I of Part VI of the Labour Code respecting organisation, competence and procedure.

The Labour Code has been amended to protect more effectively workers' rights, and the provisions of the Convention and of the Recommendations are incorporated in the labour legislation.

Ethiopia

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Labour Inspection Service Order, No. 37 of 1964 (*Negarit Gazeta*, 4 Dec. 1964).

A labour inspection service has been established under the responsibility of the Minister of National Community Development, in conformity with the above-mentioned order of 1964. The order deals mainly with the establishment, composition and responsibilities of the service.

According to the Government's report most of the provisions of the Convention, including the powers of labour inspectors set forth in Articles 12 and 13, will be complied with if the draft Labour Standards Proclamation (now under discussion in Parliament) is adopted.

Expansion of the labour inspection service under a central authority is envisaged.

Finland

RECOMMENDATION No. 81

Labour Inspection Act, No. 72 of 4 March 1927 (*L.S.* 1927—Fin. 1A).

Labour Inspection Order, No. 73 of 4 March 1927 (*L.S.* 1927—Fin. 1B).

Decree No. 81 of 28 January 1944 respecting the Permanent Exhibition of Industrial Safety and Social Welfare.

Works Councils (Production Committees) Act, No. 843 of 30 December 1949 (*Suomen Asetusko-koelma—Finlands Författningssamling (S.A.-F.F.)*, 31 Dec. 1949, p. 1241) (*L.S.* 1949—Fin. 2).

Resolution No. 844 of 30 December 1949 of the Council of State concerning the Production Committees.

Protection of Labour Act, No. 299 of 28 June 1958 (*S.A.-F.F.*, 1958, p. 631) (*L.S.* 1958—Fin. 1).

There is no longer an obligation to give advance notice of plans to start work in an undertaking or to build or rebuild a factory or other industrial plant. However, if, in the course of an inspection, the inspector finds defects which by law it is the duty of the employer to remedy, the inspector shall give the employer notice in writing to remedy such defects within a given time limit. In the case of obvious danger to life or limb, the inspector may prohibit the continuation of work until the danger has been removed. Provision is made for the right of appeal.

Under the Protection of Labour Act employers and employees are required to co-operate with a view to maintaining and improving standards of industrial safety. The workers employed at a workplace have the right to elect someone to represent them in respect of inspection questions and to take cognisance of proceedings relating to conditions of employment. Employers are bound to grant workers facilities for private interviews with the labour inspector, at the workplace or elsewhere.

The functions of labour inspectors do not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

Annual reports supply the information required under Paragraph 9 of the Recommendation, with minor exceptions.

The supervision of the application of labour protection provisions coming within the jurisdiction of labour inspection authorities is entrusted to the Ministry of Social Affairs.

Under paragraph 9 of Resolution No. 844 the most representative national organisation of workers must be given an opportunity of expressing its opinion on the suitability of applicants for appointment as workers' inspectors.

It is intended to include in the new legislation in preparation requirements concerning advance notice in respect of the opening of a new factory or undertaking with a view to giving effect to Paragraphs 1 and 2 of the Recommendation.

RECOMMENDATION No. 82

Mining Act, No. 273 of 24 March 1943, as amended in 1965.

Act No. 101 of 4 February 1944 respecting the supervision of mining operations in certain deposits.

Resolution No. 556 of 31 December 1959 of the Ministry of Commerce and Industry concerning safety regulations in mines.

The inspection of mining operations, in particular as regards safety in mines, is the responsibility of the Office of Mining of the Ministry of Commerce and Industry, while the supervision of legislation relating to the protection of workers in mines is entrusted to the general labour inspectorate of the Ministry of Social Affairs. In 1946 the two ministries agreed upon an appropriate division of tasks.

The Office of Mining has published yearly circular letters on occupational safety, issued instructions, established a special post of inspector, and ensured the inspection

of mines once or twice a year on an average. Since the introduction of mining inspection there has been remarkable progress in safety in mines.

Transport undertakings are supervised by the general labour inspectorate. Co-operation between the authorities and employers' and workers' organisations in this sector has developed favourably as regards labour inspection.

The Ministry of Social Affairs is preparing a proposal for a new Act respecting labour inspection and, in this connection, it is planned to establish a special office for labour inspection in transport.

France

RECOMMENDATION No. 81

Legislative Decree of 18 September 1965.

Decree of 13 September 1961 to establish public administrative regulations for the implementation of sections 87 and 101 of the Town Planning and Housing Code.

Under the above-mentioned legislation a building permit may only be granted if the proposed buildings conform to the requirements of the relevant laws and regulations, including those relating to workers' health and safety. The labour inspectorate is consulted on the subject by departmental directors of construction.

The Government also refers to the report which it submitted for the period ending 31 December 1955.¹

RECOMMENDATION No. 82

Labour Code.

Mines Code, Decree No. 56-838 of 16 August 1956 (*Journal officiel*, 21 Aug. 1956).

Decree of 14 June 1946 to establish a Miners' Charter.

Decree of 17 May 1957 establishing special rules for the labour and manpower inspectorate for the transport industry.

With regard to mines, under section 95 of the Labour Code mining engineers of the Ministry of Industry, acting on behalf of the Minister of Labour, are responsible for health and safety inspection in underground mines, surface mines and quarries. They are assisted by engineers of the Public Works Department.

Workers are associated with the enforcement of the relevant social legislation through their elected representatives, viz. miners' delegates, or safety representatives in the case of underground work, and their permanent representatives in the case of surface work.

In the transport industry labour inspection is the responsibility of officials of the Ministry of Public Works, Transport and Tourism acting on behalf of the Minister of Labour. Where public transport (road, rail, or air) is concerned, the inspectors act on behalf of their own Ministry. They have exactly the same rights and powers as the labour inspectors.

The inspectorate consists of a central department in the Ministry, headed by a chief inspector, and a specially qualified staff of public transport inspectors, comprising 60 regional or local officials.

The labour and manpower service for the transport industry, which is directly responsible to the Minister, prepares laws and regulations dealing with conditions

¹ See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1956), pp. 32-33.

of work and employment. The inspectorate comes under the Chief Inspector of Transport and Public Works, and in technical and administrative matters is supervised by the Chief Inspector of Labour and Manpower for the Transport Industry. The only branch of the industry which does not fall within its scope is inland water transport, which is the responsibility of the technical staff of the Seaports and Waterways Division, acting on behalf of the Ministry of Labour.

The labour and manpower inspectorate for the transport industry maintains a check on more than 53,000 establishments employing a total of 700,000 workers.

The workers in the industry co-operate in enforcing social legislation through their shop stewards, health and safety committees and labour committees in the case of the French National Railways; these committees are composed of the labour inspector and of representatives of the workers and the employer.

Gabon

CONVENTION No. 81

RECOMMENDATION No. 82

Labour Code, Act No. 88/61 of 4 January 1962 (*Journal officiel*, 1 Mar. 1962, No. 5, Extraordinary, p. 189) (*L.S.* 1962—Gab. 1) (sections 132 and 133, and 167).

Decree No. 280/PR of 7 September 1964 governing the organisation and operation of the Labour, Manpower and Social Security Board.

Order No. 3758 of 25 November 1954 respecting general health and safety measures in agriculture and forestry, industrial and commercial undertakings, as well as in administrative establishments.

The labour inspection system consists of inspectorates and supervisory offices covering the entire national territory. They include the northern labour inspectorate at Libreville, the central inspectorate at Port-Gentil and the supervisory offices at Mouila, Lambaréné and Moanda. Labour inspection is carried out in respect of all sectors of public and private activity, including mines and transport undertakings, in which workers are employed in accordance with the terms of the Labour Code.

The inspection services are under the authority of the Director of Labour, Manpower and Social Security in the Ministry of Labour and Social Affairs. The inspection staff, who are covered by the civil service rules, consist of two chief inspectors, three labour inspectors and eight labour supervisors or assistant supervisors. Special rules for inspection officials are now under consideration.

Inspection officials have all the powers prescribed by the Convention. Any person who obstructs or attempts to obstruct labour inspectors or supervisors in the performance of their duties is liable to punishment by a fine ranging from 10,000 to 50,000 francs and imprisonment ranging from 15 days to three months, or by one or the other of these penalties.

Inspection officials in charge of an inspection service or supervisory office draw up monthly reports on their activities. The report on the work of the central services is prepared for the exclusive use of senior national authorities.

It is not intended to ratify the Convention for the following reasons: chief inspectors may be called upon to fill senior posts in the central administration; women are not considered eligible for posts of labour inspectors or labour supervisors, particularly as there are still very few women workers; the annual inspection reports are of a confidential nature.

RECOMMENDATION No. 81

Section 167 of the Labour Code provides that the labour inspectorate must be notified of the opening of undertakings and establishments.

Consultations are now in progress with a view to establishing, in accordance with sections 132 and 133 of the Labour Code, a technical advisory committee to study safety and health questions.

Labour inspectors and supervisors are empowered to secure the enforcement of safety and health measures, but their technical training in this respect is generally insufficient. Workers, for their part, rarely possess the necessary qualifications for supervision in this field. It is intended to create a preventive service within the Gabon Social Welfare Fund to be responsible for health and safety supervision within the framework of the occupational accidents insurance scheme.

National legislation provides that labour inspectors may act as conciliators in collective disputes. For this reason the Government does not intend to accept the Recommendation.

Federal Republic of Germany

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

Industrial Code of 1869.

Prussian General Act of 24 June 1865 respecting mines.

Works Constitution Act of 11 October 1952 (*Bundesgesetzblatt (BGBl.)*, Part I, 14 Oct. 1952, No. 43, p. 681) (*L.S.* 1952—Ger F.R. 6).

Federal Insurance Code of 15 December 1924 (*Reichsgesetzblatt*, No. 75, Part I, p. 779) (*L.S.* 1924—Ger. 10), as amended by the Act of 30 April 1963 to reorganise the law governing the statutory accident insurance scheme (*BGBI.*, Part I, 9 May 1963, No. 23, p. 241) (*L.S.* 1963—Ger. F.R. 2).

Decree of 4 August 1960 respecting plant requiring authorisation.

Any person who proposes to operate an industrial or commercial undertaking must declare the fact to the police authorities. A copy of the declaration is addressed to the labour inspectorate (section 14 of the Industrial Code). Section 66 of the General Act of 1865 respecting mines provides that a corresponding declaration shall be made to the Department of Mines in the case of a mining undertaking. Plans for building and for new plant must be submitted for approval (section 16 of the Industrial Code) and possible modification (sections 16, 18 and 24 of the Industrial Code; decree respecting plant requiring authorisation).

Under section 719 of the Federal Insurance Code, as amended by the 1963 Act, the owner of an undertaking employing more than 20 persons shall appoint one or more safety officials, who shall assist him in his accident-prevention work and satisfy themselves at all times that the protective devices are in place. Where more than three safety officials are appointed, they shall form a safety committee.

The owner of the undertaking must arrange for an exchange of views with the safety officials at monthly or more frequent intervals in the presence of the works council. The works council must encourage the prevention of accidents and occupational diseases, give assistance in such matters to the industrial inspection service and other competent bodies, and promote the implementation of the provisions respecting the protection of labour. It is invited to express its views whenever safety appliances are installed or tested and also whenever an inquiry into an accident is undertaken by the employer, the inspector of factories or other competent bodies (section 58 of the Works Constitution Act). The inspectors of factories, like those of the Department of Mines, are instructed to call on the works council to participate in their work relating to the prevention of industrial accidents.

The collaboration of employers and workers in respect of health and safety takes place through the industrial accident insurance funds and the Community for Industrial Safety, which unites the organisations of the Federal Republic specialising in the

field of industrial safety. There are also, within the undertakings, industrial safety committees, consisting of the owner of the undertaking, a delegate of the works council, the safety engineer and, in appropriate cases, other specialists.

The industrial accident funds set up technical committees consisting of the representatives of the employers, the workers and the builders' organisations, as well as the factory inspectors and, when necessary, certain experts. These committees are responsible for working out rules and instructions, and examining, in collaboration with the builders, the features that machinery, instruments, tools, etc., must have in order to conform to the standards for safety and accident prevention. The technical inspectors of these funds carry out inspections in the undertakings.

Lectures are arranged and accident-prevention instructions and information pamphlets, etc., are distributed by the accident insurance funds, which also organise, with the collaboration of the labour inspectorate, accident-prevention campaigns involving exhibitions, broadcasts, television programmes, etc., and have information stands at the large industrial fairs. The German Confederation of Employers' Associations publishes notices intended for heads of undertakings.

The Federal Institute for Labour Protection, the institutes in the Länder, and the competent mining authorities organise regular training courses on industrial safety and on the duties of the inspectors and the technical inspection services in this field. The employers' and workers' organisations have established working groups to inform the workers of the problems involved in this connection. Students at technical schools follow courses in this field.

Neither the factory inspectors, nor the mines inspectors, nor the technical inspectors of the insurance funds are expected to act as conciliators or arbitrators in proceedings concerning labour disputes.

The annual reports on the work of the factories and mines inspection services contain the information required under Paragraph 9 of Recommendation No. 81.

The Federal Ministry of Labour and Social Affairs (Factory Inspection Section) and the Federal Ministry of Economic Affairs (Department of Mines) are the competent authorities for ensuring the observance of the laws and regulations. The Federal Ministry of Labour and Social Affairs exercises supervision over the accident insurance funds; such supervision is exercised in the Länder by the authorities responsible for social insurance.

The provisions of Recommendation No. 81 come within the competence of the federal authorities. Federal legislation—sometimes adapted to regional conditions—is applied by the authorities of the Länder, which are also competent in the field of labour protection in mines.

An Act on labour techniques concerning the protection of machinery is being prepared in order to give full effect to the provisions of the Recommendations.

Ghana

RECOMMENDATION No. 81

Factories Ordinance, No. 133 of 10 July 1952.

There are no statutory provisions at present relating to the matters dealt with in the Recommendation. However, existing practice requires the submission of building plans for new factories and other industrial establishments within Accra-Tema City Council area, but not elsewhere, to the inspectorate for its advice with regard to the safety, health and welfare provisions of the Factories Ordinance.

The establishment of a representative council of the inspectorate and workers' and employers' organisations to be known as the Factories and Industries Welfare

Board is under consideration. Responsibilities of the proposed board will include subjects covered in the Recommendation.

There is a standing proposal which, when implemented, will give effect to provisions in the Recommendation not yet covered by the national legislation.

Guatemala

RECOMMENDATION NO. 81

Fundamental Charter of the Government, Legislative Decree No. 8 of 10 April 1963.

Labour Code, Decree No. 1441 of 5 May 1961 (*El Guatemalteco*, 16 June 1961, No. 14, p. 145) (L.S. 1961—Gua. 1) which entered into force on 16 August 1961.

Labour Charter, Legislative Decree No. 1 of 2 April 1963 (*El Guatemalteco*, 5 Apr. 1963).

Decision of 20 December 1957 to establish regulations for the general labour inspectorate (*ibid.*, 30 Dec. 1957).

Decision of 28 December 1957 to establish general occupational health and safety regulations (*ibid.*, 31 Dec. 1957) (L.S. 1957—Gua. 2).

Decision No. 97 of the Board of Governors of the Guatemala Social Security Institution to establish regulations respecting general protection against accidents.

There are no provisions respecting the giving of notice to the labour inspectorate of the starting of activities in new industrial or commercial establishments, or respecting the submission of plans of such establishments.

The occupational health and safety regulations and Decision No. 97 establishing regulations respecting general protection against accidents provide for the setting up of safety bodies in workplaces. According to the size of the undertaking these bodies may consist of one or more safety inspectors or one or more safety committees composed of employers' and workers' representatives. The inspectors or committees, as the case may be, are responsible for preventing industrial accidents and occupational diseases, in accordance with the procedures laid down in the regulations. The Board of Governors of the Social Security Institution is responsible, through the Safety and Health Department of the Institution, for co-ordinating the activities of the various safety committees as between themselves, and also for co-ordinating their activities with those of the safety inspectors.

Although no orders have been issued in this connection, the inspection services and the health and safety services act jointly whenever necessary.

The labour inspectorate is not responsible for instructing employers or workers, but the Social Security Institution organises occupational health and safety extension programmes.

The second paragraph of section 278 of the Labour Code refers to the conciliation functions of labour inspectors. Section 281 (*e*) of the Labour Code provides that labour inspectors can and should intervene in disputes between employers and employees. At present, however, studies are being carried out with a view to separating inspection and conciliation functions and assigning responsibility for them to different services. This problem was analysed in a course on labour administration which was organised under the I.L.O. technical co-operation programme and which was attended by employers and workers. It is hoped that the studies carried out will make it possible to comply with Paragraph 8 of the Recommendation. The law will be suitably amended for this purpose.

RECOMMENDATION NO. 82

The competent authority is the general labour inspectorate, which comes under the Ministry of Labour and Social Welfare. The collaboration of employers and

employees is ensured by means of their respective organisations and their representatives in public bodies and agencies.

The general provisions are applicable to mining and transport undertakings.

It is not felt that any modifications are necessary for compliance with the Recommendation. It might be better for the instrument to be more detailed in view of the special features of the labour systems covered by it.

The Government also refers to the report submitted on Convention No. 81, which it has already ratified.

Haiti

RECOMMENDATION No. 81

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).

Section 488 of the Code provides for compulsory notification of undertakings to the labour inspectorate. Sections 489 to 492 prescribe the conditions for such notification, and sections 493 and 494 prescribe the penalties for false statements or non-notification.

There is collaboration between employers and workers in respect, *inter alia*, of the formulation of works rules (sections 514 to 520 of the Code), the supply of working equipment (sections 523 and 524), and the workers' right under the Code to bring to the notice of the employer any defect in an installation (section 525), any transfer of equipment or of an installation (section 526), and any dangerous operation of machinery (section 531).

The inspectors of the General Labour Directorate act as conciliators in labour disputes with a view to attaining out-of-court settlements. In the case of failure of the conciliation proceedings the dispute is referred to the Court or to the Arbitration Committee (sections 507, 169 and 172 of the Code).

Section 509 of the Code provides for the preparation of an annual report conforming to the requirements of the Recommendation.

RECOMMENDATION No. 82

The system of labour inspection applies in general to all sectors of the economy, including mines, quarries and transport undertakings.

Hungary

CONVENTION No. 81

RECOMMENDATION No. 82

Labour Code, Legislative Decree No. 7 of 1951 (*Magyar Közlöny (M.K.)*, No. 17-18, 31 Jan. 1951) (*L.S.* 1951—Hun. 1), as amended; and Decree No. 53 of 28 November 1953 to implement the Labour Code.

Ordinance No. 29 of 7 June 1960 to make boilers and certain installations operating under pressure subject to inspection (*M.K.*, 7 June 1960).

Mines Act, No. III of 18 December 1960 (*M.K.*, 18 Dec. 1960), and Ordinance No. 9 of 30 March 1961 to implement the Act.

Ordinance No. 1 of 5 January 1962 respecting the qualifications required of boiler supervisors and experts in charge of testing installations operating under pressure, as well as the occupational skills and ability required in connection with such installations.

Ordinance No. 2 of 10 March 1962 of the Central Council of Trade Unions respecting the notification and registration of industrial accidents, as amended by Regulations No. 7 of 24 December 1964.

Regulations No. 2 of 26 December 1963 of the Central Council of Trade Unions respecting workers' safety and health protection.

In principle the trade unions, as the most important general institutions for the protection of the workers' interests, are responsible for labour inspection. They have full competence to enforce in all branches of the economy the legal provisions guaranteeing the rights and the legitimate interests of the workers.

They perform these duties within the framework of their normal activities (section 4 A of the Labour Code).

The trade unions have, in fact, established a special system to secure the enforcement of the legal provisions relating to the health and safety of workers while engaged in their work; this system operates under the control of the Central Council of Trade Unions and the trade unions (section 92 of the Labour Code).

In certain sectors in which occupational hazards are particularly great there is state labour inspection, carried out by a special service, in addition to the inspection exercised by the trade unions. This is the case in the mining industry, which is under the supervision of the Hungarian Mines Special Technical Inspection Service, and in workplaces in which boilers and installations operating under pressure are used (e.g. the Thermal-Technical Research Institute).

The legislation ensures co-operation between the trade union bodies performing inspection duties and the government services.

Inasmuch as labour inspection is primarily the responsibility of the trade unions, the impartiality of labour inspectors and the need for them to be independent of any improper external influences are ensured, as they themselves are trade unionists. Mines inspectors and boiler supervisors are public servants and their impartiality is therefore also ensured.

It is the task of the trade unions to determine and assess the professional qualifications required for the performance of labour inspection functions. Training requirements for inspectors in charge of the technical supervision of mines and boilers are established by regulations.

Labour inspectors are empowered to inspect establishments under their supervision at any time and without special authorisation. The directors of such establishments are required to supply the inspectors with all the necessary information and documentation.

The inspectors are empowered to require the directors of undertakings to remedy within a specified time limit any defects observed; to suspend from employment workers who have been engaged without receiving compulsory instruction in accident prevention and health protection; to order the cessation of operations in the workplace as a whole or in any part of the workplace; to impose penalties on workers who fail to observe health and safety measures; and to initiate legal or disciplinary proceedings (section 162 of the Labour Code; section 60 of Act No. III of 1960; the ordinance of June 1960).

Ordinance No. 2 of 1962 provides that industrial accidents must be notified to the labour inspectorate.

Labour inspectors are bound by professional secrecy and, by the very nature of the system, they can have no interest in undertakings under their supervision.

The inspectors submit regular reports on their activities and the measures which they have taken to the trade union executive bodies, the Central Council of Trade Unions and the competent state services.

RECOMMENDATION No. 81

No new or transformed undertaking can be put into operation without the previous authorisation of the inspectorate in regard to the industrial health and safety aspects (section 82 of the Code; Regulations No. 2 of 26 December 1963; sections 23

and 24 of Act No. III of 1960; section 41 of Ordinance No. 9 of 1961; section 3 of Ordinance No. 29 of 1960).

The directors of undertakings must personally supervise the execution of orders given by the labour inspectors with a view to remedying defects observed (section 88 of the Labour Code).

In undertakings in which there is a risk of accident or other threats to the health of the workers, the directors are required to appoint one or more persons to be responsible for industrial safety (paragraph 14 of Regulations No. 2 of 26 December 1963 of the Central Council of Trade Unions). There is close collaboration between these persons and the labour inspectors.

The legislation provides for the obligatory instruction of employers and workers in labour protection matters, and the trade unions, the state services and the employers' associations are active in this connection (section 87 of the Code; sections 160 and 161 of the decree to implement the Code; paragraphs 6 to 11 of Regulations No. 2 of 26 December 1963).

Labour inspectors do not act as conciliators or arbitrators in labour disputes (sections 141 to 149 and 234 to 252 of the decree to implement the Code).

India

RECOMMENDATION NO. 81

Factories Act of 23 September 1948 (*Gazette of India*, 23 Sep. 1948, Extraordinary, Part IV, p. 292) (L.S. 1948—Ind. 4), and Rules made thereunder.

Paragraphs 1 to 3 of the Recommendation. Under section 7 of the Factories Act, 1948, an occupier has to supply in writing to the Chief Inspector of Factories pertinent information on the premises which he intends to utilise as a factory, and to obtain previous authorisation from the state government or the Chief Inspector for the site and the construction or extension of any factory. Authorisation is given where the Chief Inspector is satisfied that the plans are in conformity with the requirements of the Act.

Paragraphs 4 to 7. There is no statutory provision for the setting up of safety committees. However, state governments encourage the formation of such committees, which investigate and make suggestions for remedying the causes of accidents.

The inspectorates have received instructions to collaborate closely with employers and workers and the latter look increasingly to the inspection services for help and advice on matters of safety and health. The inspectorates are also required to maintain close contact with other government departments with a view to promoting collaboration between labour inspection officials and employers and workers or their organisations. Safety, health and welfare standards are reviewed at tripartite meetings such as those of the Standing Labour Committee. Other tripartite bodies have been constituted for the same purpose in various sectors of private industry.

The Chief Adviser, Factories, endeavours to promote industrial safety by educating both employers and workers with regard to the value of measures in this field. A quarterly bulletin on industrial health and safety is issued and both the office of the Chief Adviser, Factories, and the state governments distribute pamphlets, leaflets and posters on the prevention of accidents. The Government of India has set up a central labour institute and three regional institutes to deal with various labour problems. A scheme for setting up a national safety council is under consideration and a conference on safety in factories on a national scale is to be held shortly.

Paragraph 8. The functions of labour inspectors do not include the settlement of industrial disputes.

Paragraph 9. The annual reports entitled *Statistics of Factories* generally contain information on the points referred to in this Paragraph of the Recommendation.

The provisions of the Recommendation are being complied with. Labour is a concurrent subject under the Constitution of India and both the central Government and the state governments are empowered to take action to give effect to the provisions of the Recommendation.

RECOMMENDATION No. 82

Mines Act, 1952 (*Gazette of India*, 17 Mar. 1952, No. 18, Extraordinary, Part II, sec. 1, p. 155) (*L.S.* 1952—Ind. 3), as amended (Ch. II), and Mines Rules, 1955.

Payment of Wages Act, 1936 (section 14).

Minimum Wages Act, 1948 (section 19).

Motor Transport Workers Act, 1941 (section 4).

Railways Act, 1890, as amended (Ch. VI A and section 71-G).

Dock Labourers Act, 1934, as amended (section 3), and Regulations made thereunder.

The above Acts provide for the appointment of inspectors to ensure the enforcement of safety and health standards and other conditions of work in their specific sectors.

The Department of Mines, under the Ministry of Labour, is entrusted with the enforcement of all safety and welfare legislation for mines other than legislation concerning holidays with pay and some specific welfare provisions. The department supplies technical information and advice to employers and workers and promotes collaboration between the inspectorate and employers and workers.

The enforcement of the labour provisions of the Indian Railways is entrusted to the Chief Labour Commissioner (central) with the administrative assistance of the regional labour commissioners (central) and conciliation officers (central).

The chief inspectors and inspectors appointed by the state governments under the Motor Transport Workers Act are responsible for the administration of the Act.

The administration of the Dock Labourers Act and Regulations is the responsibility of the Chief Adviser, Factories.

Under the Minimum Wages Act, 1948, the Chief Labour Commissioner and the regional labour commissioners have been appointed as inspectors in the central undertakings.

The provisions of the Recommendation are being complied with.

The regulation of conditions of work in mines, railways and major ports is the responsibility of the central Government.

Transport other than railways is a concurrent subject and both the central Government and the state governments can take action to give effect to the provisions of the Recommendation.

Iran

CONVENTION No. 81

RECOMMENDATION No. 82

Labour Act of 17 March 1959 (*L.S.* 1959—Iran 1).

Regulations of 1960 governing inspection procedure and the functions and powers of labour inspectors.

Regulations of 2 February 1961 respecting works safety councils.

Article 1 of the Convention. Chapter XI of the Labour Act lays down the system of inspection.

Article 2. This system applies to all undertakings including mines and transport undertakings.

Article 3. Labour inspectors enforce the Labour Act and the regulations made thereunder. They are required to familiarise employers and workers with the relevant legal provisions. They must bring to the notice of employers and of their own chief any danger of accidents or threat to the safety of workers. They have no other duties.

Article 4. Labour inspection comes under the General Department of Labour Inspection in the Ministry of Labour and Social Affairs.

Article 5. Co-operation between the labour inspection services and other government services takes place within the Industrial Safety Council. Co-operation with employers and workers is established through the works safety committees.

Articles 6 and 7. Labour inspectors are recruited under the same conditions as other civil servants, on the basis of ability demonstrated through competitions. They are assured of independence and of stability of employment. Before assuming their duties labour inspectors follow theoretical and practical safety and health courses. Seminars and discussion groups are also organised as part of their training.

Article 8. Women are eligible for inspection duties under the same conditions as men. They are particularly concerned with the working conditions of women.

Article 9. The Industrial Safety Council may establish committees of experts to draw up occupational safety and health regulations. The inspection staff includes medical experts and technicians.

Article 10. The number of inspectors increases each year in line with the industrial development of the country.

Article 11. The labour inspectors have offices to which all persons have access; they have adequate transport facilities, and their expenses are reimbursed.

Article 12. Inspectors are empowered to enter freely any undertaking under their supervision. They are empowered to carry out inquiries into the observance of the legal provisions, and they can remove, for the purpose of analysis, samples of materials used or handled by workers.

Article 13. Section 50 of the Labour Act empowers inspectors to make orders requiring measures to be taken in the event of danger to the health or safety of workers. At the demand of the Minister of Labour the examining magistrate can order an establishment or part of an establishment to be closed.

Article 14. A circular issued by the Minister of Labour requires employers to notify accidents in undertakings to the labour inspectorate.

Article 15. Inspectors are prohibited from supervising undertakings in which they themselves have an interest, or in which any of their relatives up to those thrice removed have an interest. They are bound by professional secrecy and are also bound on pain of punitive sanctions not to reveal the source of any information or complaint.

Article 16. Inspection visits are carried out according to an order of priority established with regard for the nature of the work and the risks to which workers are exposed.

Articles 17 and 18. Obstructing labour inspectors is punishable by fine (1,000 to 10,000 rials). The inspectors bring to the notice of the employers any defects observed and supervise measures taken to remedy such defects.

Article 19. Reports are submitted to the central inspection service by the inspectors and inspection offices.

Articles 20 and 21. The inspection service draws up monthly and annual reports covering some of the points set forth in Article 21.

National legislation is in conformity with the Convention. No amendment appears to be necessary.

RECOMMENDATION No. 81

Section 48 of the Labour Act provides that the opening or alteration of undertakings must be notified to the Ministry of Labour and that plans for new establishments must be submitted for examination in order to ensure their compliance with health and safety conditions. Under section 49 of the Act a permit is required to be issued by the Minister of Labour for the utilisation of equipment which it is considered essential to subject to prior examination.

The works safety committees are required to provide workers with instruction in health and safety questions. Workers' and employers' representatives follow courses organised by the labour inspectorate. Health and safety courses are included in the curriculae of the Department of Technology and of the technical and polytechnical schools.

National legislation is in conformity with the Recommendation.

Iraq

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Labour Law, No. 1 of 18 January 1958 (*Al-Waqayi'û al' Iraqiya*, 16 Mar. 1958, No. 4115) (*L.S.* 1961—Iraq 1B).

Regulation No. 11 of 20 September 1958 concerning labour inspection in industry and commerce (*Al-Waqayi'û a l'Iraqiya*, 22 Sep. 1958).

Chapter 10 of the Labour Law provides for inspection of all undertakings within the scope of the law; all matters dealt with in the two Recommendations are covered by the provisions of the law and the regulations issued thereunder.

The Directorate-General of Labour (labour inspectorate) is the competent authority in respect of the control of the application of the legislative labour provisions.

Measures are being taken to give effect to the provisions of the two Recommendations.

Ireland

RECOMMENDATION No. 81

Shops (Conditions of Employment) Act, No. 4 of 25 February 1938 (*L.S.* 1938—Ire. 1), as amended in 1942.

Factories Act, 1955.

Office Premises Act, No. 3 of 19 February 1958 (*L.S.* 1958—Ire. 1).

Mines and Quarries Act, 1965.¹

Road Traffic Act, 1961.

Railway Employment (Prevention of Accidents) Act, 1900.

Railway Act, 1924, as amended in 1933.

¹ This Act was not in force at the date of submission of the Government's report.

Under section 119 of the Factories Act the occupier of a factory is required to notify the Minister for Industry and Commerce, within one month of occupancy, of the title of the firm and such other particulars as may be prescribed. Notification of the nature of mechanical power within one month of the date on which such power is first used is also required.

No definite arrangements exist for submission of plans for new establishments, plant or processes of production to the Ministry, but advice is given by inspectors on request.

Section 73 of the Act provides for recognition by the occupier and the labour inspectorate of safety committees set up for the purpose of promoting better conditions of work for employees and of securing compliance with the provisions of the Act. Employers and workers are represented on an advisory council set up under the Factories Act to advise the Minister on any matter respecting the Act. The council has been responsible for the establishment of the National Industrial Safety Organisation, which is concerned with the education of management and workers in safety techniques by means of lectures, symposia, exhibitions, films, etc.

Inspectors do not act as conciliators or arbitrators in proceedings concerning industrial disputes.

The factory inspection report gives part of the information requested by Paragraph 9 of the Recommendation.

The factory inspectorate is responsible for the enforcement of the Factories Act and of the Office Premises Act in factory offices and government offices. Inspectors of the local sanitary authorities enforce the Office Premises Act in other offices.

No further measures are contemplated to give effect to those provisions of the Recommendation not yet covered by national legislation and practice.

Provisions in force do not prescribe advance notice to be given to the labour inspectorate by persons engaging in business in commercial establishments. The annual factory inspection report does not contain information on the inspection of commercial establishments or such detailed information as is required by the Recommendation.

RECOMMENDATION NO. 82

The Act of 1965 contains provisions for the management and control of mines and quarries. Inspectors appointed under the Act are given the same wide powers as factory inspectors. These include the power to enter and inspect mines or quarries and inquire into all matters under their supervision. They may take any measures necessary to avert an imminent danger. Any person who obstructs an inspector in the exercise of his duties is guilty of an offence under the Act.

The inspectors of mines and quarries, who are officers of the Department of Industry and Commerce, have to inspect regularly mines under their control, investigate industrial accidents, prepare reports to the Minister and draft regulations.

The Railway Employment Act and the Road Traffic Act contain similar provisions for inspection in railway and transport undertakings, under the authority of the Minister of Transport and Power.

Israel

RECOMMENDATION NO. 81

Accidents and Occupational Diseases (Notification) Ordinance, 1945.

Factories Ordinance, 1946, amended by the Safety at Work Ordinances, 1946 (*Official Gazette*, No. 1, 1946) and 1963 (sections 77 to 79).

Labour Inspection Law, 1954 (*Statutes Book*, No. 164, 3 Sep. 1954).

Paragraph 1 of the Recommendation. Section 64 of the Safety at Work Ordinance, 1946, provides for notice of occupation of an undertaking to be sent to the regional labour inspector at least seven days before the beginning of occupation or work in the said undertaking.

Paragraph 2. An administrative arrangement exists whereby plans of new establishments are sent by local town planning authorities to the regional labour inspector for information and comments.

Paragraph 3. Section 6 of the Labour Inspection Law, 1954, empowers the regional labour inspector to issue safety orders which may specify alterations to be made in any plant or process liable to be dangerous or injurious to workers.

Paragraph 4. The Institute of Safety and Hygiene is charged by virtue of Part 3 of the Labour Inspection Law to encourage collaboration between employers and workers and to be of assistance in the organisation of safety committees.

Paragraph 5. Sections 14 and 22 of the above-mentioned law provide for representatives of safety committees and for safety trustees to accompany the labour inspector on his visits.

Paragraphs 6 and 7. Within the framework of the Institute of Safety and Hygiene both conferences and committees are organised for discussing enforcement of labour legislation. Advice and instruction are also provided by the Institute in collaboration with the inspectors.

Paragraph 8. The functions of labour inspectors do not include that of conciliator or arbitrator.

Paragraph 9. The annual reports on the work of inspection services supply the information specified in this Paragraph of the Recommendation.

The labour inspection service is entrusted with the supervision and the application of the above-mentioned labour legislation.

RECOMMENDATION No. 82

Mining operations have been included in the Safety at Work Ordinance, 1946, as amended in 1963.

This ordinance applies to premises in which the construction, reconstruction or repair of vehicles or other plant for transport purposes is carried on.

The existing system of labour inspection is applicable to both mining and transport undertakings; it does not apply to road safety.

The labour inspection authorities are entrusted with the supervision and application of the above-mentioned legislation. Employers' and workers' organisations are called upon to co-operate in the same manner as is described in the report on Recommendation No. 81.

Italy

RECOMMENDATION No. 81

Act No. 1361 of 22 December 1912 establishing the labour inspectorate (*Gazzetta Ufficiale (G.U.)*, 3 Jan. 1913, No. 2), and Decree No. 431 of 27 April 1913 to implement the Act.

Legislative Decree No. 3245 of 30 December 1923 respecting the reorganisation of the inspectorate of industry and labour (*G.U.*, 14 Mar. 1924, No. 63, p. 1149) (*L.S.* 1923—It. 13).

Legislative Decree No. 1684 of 28 December 1931 respecting the organisation of a corporate inspectorate (*G.U.*, 23 Jan. 1932, No. 18, p. 367) (*L.S.* 1931—It. 3), as amended by Act No. 866 of 16 June 1932 (*G.U.*, 5 Aug. 1932, No. 180, p. 3626) (*L.S.* 1932—It. 5).

Legislative Decree No. 381 of 15 April 1948 respecting the reorganisation of the Ministry of Labour and Social Welfare headquarters and field services (*G.U.*, 7 May 1948, No. 106, p. 1537) (*L.S.* 1948—It. 3).

Presidential Decree No. 520 of 19 March 1955 respecting the reorganisation of the Ministry of Labour and Social Welfare headquarters and field services (*G.U.*, 1 July 1955, No. 149, p. 2366).

Presidential Decree No. 1563 of 29 November 1956 respecting the personnel establishment of the labour inspection service (*G.U.*, 30 Jan. 1957, No. 26, p. 400).

Act No. 628 of 22 July 1961 respecting modifications in the organisation of the Ministry of Labour and Social Welfare (*G.U.*, 27 July 1961, No. 184).

Presidential Decree No. 128 of 9 April 1959 establishing regulations for the supervision of mines and quarries (*G.U.*, 11 Apr. 1959, No. 87, Supplement).

Decree No. 209 of 7 May 1903 respecting safety of personnel employed in railways.

Decree No. 1306 of 23 November 1911 respecting safety of personnel employed in extra-urban tramways.

Presidential Decree No. 547 of 27 April 1955 respecting the prevention of accidents (*G.U.*, 12 July 1955).

Presidential Decree No. 303 of 19 March 1956 respecting health requirements.

The Act of 22 July 1961 has added to the definition of the functions and organisation of the labour inspectorate, which has taken the title of Labour Inspectorate Central Service.

The Ministry of Labour and Social Welfare supervises, with the assistance of the labour inspectorate, the National Institute for the Prevention of Accidents.

Regional and provincial committees for the prevention of occupational accidents and diseases include representatives of employers and workers.

Industrial and handicrafts undertakings employing three workers or more must give the inspectorate advance notice of plans for opening or modifying plants, establishments, or working processes. The inspectorate may make its approval subject to alterations prescribed by it.

Workers' and employers' collaboration in safety and health matters is assured through works joint committees on workers' health and safety. Works physicians attend the meetings of these committees, which, together with undertakings staff committees, are consulted by visiting inspectors.

In addition to the consultative machinery at the provincial and regional levels mentioned above, there is, at the national level, a Permanent Advisory Committee for the Prevention of Occupational Accidents and for Occupational Health, attached to the Ministry of Labour.

Appropriate educational measures in the field of safety and health, on behalf of both workers and employers, are taken; details of these measures are given in the report.

Labour inspectors do not act as conciliators or arbitrators in labour disputes.

Annual reports are published regularly.

The central authority is the Ministry of Labour and Social Welfare. There are 92 provincial offices and seven regional offices. There is, as an auxiliary organ, a medical labour inspectorate. The co-operation of other public agencies and of occupational organisations is ensured.

The Government feels that there is substantial compliance with the Recommendation and that, in respect of various matters, there are even higher standards than those laid down therein. It gives an assurance that should the question of labour inspection be regulated further in the future, it will, to the greatest possible extent, take account of the provisions of the Recommendation.

RECOMMENDATION NO. 82

For legislation see under Recommendation No. 81.

With regard to mines, the legislative provisions are intended to protect workers' safety and health as well as the safety of third parties and the general interest, and to

ensure the sound management of mineral resources owned by the State. The enforcement of such provisions is the responsibility of the Ministry of Industry and Commerce, which acts through the prefects and the mines corps.

Mines corps officers have the right to visit mines and quarries and to obtain required information. They have the status of officers of the judiciary police, and their powers extend to ordering the closing of unsafe mines, if due warnings are not observed.

There is in each mine or quarry a council of safety and health delegates, composed of three members representing respectively wage earners, salaried employees and the employer. The delegates of the workers' side are entitled to a paid working day each week for joint inspection.

Regulations prescribe that the mines corps shall collaborate with the labour inspectorate and the medical inspectorate of labour.

Transport is considered, in general, to be a branch of industry, and as such comes under the labour inspectorate. It is also subject to the supervision of the public transport inspectorate of the Ministry of Transport.

There are special arrangements concerning occupational health on board merchant ships and aeroplanes, and concerning public transport on land.

State railways are inspected by officers of the Ministry of Transport and Civil Aviation and of the railways themselves. Supervision machinery in which staff representatives participate also exists.

Working hours on public bus services may be checked, jointly or separately, by either the labour inspectorates or the civil transport inspectorates. The latter also supervise working hours in private railways, tramways and inland water transport.

Working hours in road transport in the private sector are supervised by the labour inspectorate.

Employers' and workers' collaboration is provided for through appropriate machinery.

Ivory Coast

CONVENTION No. 81

RECOMMENDATION No. 82

Labour Code, Act No. 64-290 of 1 August 1964 (*Journal officiel de la République de Côte-d'Ivoire*, 17 Aug. 1964, No. 44, Extraordinary).

Decree No. 59-217 of 28 October 1959 to organise the labour services (*ibid.*, 7 Nov. 1959, p. 1063).

Decree No. 60-237 of 29 July 1960 establishing rules for the staff of the labour services (*ibid.*, 1960, p. 900).

Decree No. 57-245 of 24 February 1957, as amended, respecting employment injuries prevention and compensation (*Journal officiel de l'Afrique occidentale française*, 1957, pp. 1539 and 1541).

Ministerial Circular No. 295 TAS CAB of 2 February 1960 relating to inspection visits.

Various orders of the Ministry of Labour for the assignment of inspectors of labour and social legislation and the demarcation of their areas of jurisdiction.

The competence of the labour inspectorate extends to all establishments in which workers are employed, without exception. The inspectorate comes under the authority of the Ministry of Labour and Social Affairs; regional inspection services correspond directly with the Ministry. However, mines and transport undertakings are supervised by technicians who have the powers of labour inspectors. The supervision of mines is the responsibility of the Ministry of Finance and Economic Affairs, while transport undertakings are under the supervision of officials of the Ministry of Public Works. Section 132 of the Labour Code provides that labour inspectors

must be informed of the measures taken by the technical supervisors and that they may, at any time, ask to visit the various undertakings concerned, accompanied by the technicians.

The functions of the labour inspectorate are as follows. The central services draw up laws and regulations, co-ordinate and supervise the work of the inspectors, and study labour questions. The supervisory services provide advice and instruction to employers and workers, engage in conciliation, and enforce the social legislation. Their main task is to provide guidance during the numerous consultations requested by employers and workers and advice with a view to the settlement of individual or collective disputes, as well as to secure the enforcement of social legislation.

The supervisory services collaborate with the central services, with prefects and sub-prefects (who are their legal deputies), and with the officers of the judiciary police when investigating violations; with the manpower services in respect of employment questions; and with the officials responsible for inspecting mines and other technical establishments. They consult the trade union organisations on the numerous labour problems that exist and can be consulted in turn by both workers and their representatives and by employers.

The inspection staff consists of (i) labour inspectors, who are grade A.1 civil servants and who must have a degree and be graduates of the National School of Administration; they have general competence in respect of labour inspection; (ii) assistant labour inspectors, who are grade A.2 civil servants and who must be university graduates and have successfully completed the civil service entrance examination; they assist the inspectors and can replace them in their absence; (iii) labour supervisors, who are grade B civil servants and who must possess a secondary school certificate and have completed course B at the National School of Administration; they assist the inspectors and are responsible, in particular, for securing the enforcement of the labour and safety legislation.

The Government's report gives details of the number of staff and of their geographical distribution throughout the country: in all there are four inspectors and one assistant inspector, 13 supervisors, 15 clerks, and nine drivers and maintenance employees. In 1967 graduates of the National School of Administration will add six inspectors and four supervisors to the staff. By that time also, the central services will have three inspectors, one assistant inspector and two supervisors.

The labour inspectorate has the staff and material facilities that are essential to the fulfilment of its task.

A labour inspector may seek the advice of medical practitioners or experts on industrial health and safety questions and may request such persons to accompany him on his inspection visits. Provision has been made for the appointment of labour inspectors who are medical practitioners, but no appointment of this kind has yet been made on account of the lack of physicians with degrees in industrial medicine and hygiene. Physicians of the public health services collaborate with the labour inspectorate to remedy this situation.

Section 128 of the Labour Code employs the terms of Article 12 of the Convention concerning the powers of labour inspectors. They may enter any establishment liable to inspection by day or by night and they may enter by day any premises which they may have reasonable cause to believe to be liable to inspection. They have full authority to carry out the necessary tests and inquiries.

Labour inspectors may issue warnings which are recorded in the employer's register together with the time limit given to rectify the situation. No delay is granted in very urgent cases. With regard to questions of safety and health, warning must be given before a report is made. On other subjects the inspector may submit his report directly to the judicial authorities. He is not obliged to do so, however, and

may simply give warning instead of making a report. Employers may appeal to the Minister of Labour against the decisions of labour inspectors.

Labour inspectors are required to take an oath of office. They are prohibited from having any interest in the undertakings under their supervision and are bound not to reveal any manufacturing secrets or the source of any complaint bringing to their notice a defect or breach of legal provisions. They must visit all undertakings under their supervision at least twice a year in the case of establishments employing more than 50 workers (20 in towns), and at least once a year in the case of establishments employing more than 20 workers (ten in towns).

Part IX of the Labour Code provides for penalties for violations of the social legislation and for resisting and obstructing labour inspectors in the performance of their duties.

The departmental directors report on the work of the inspection services to the Minister of Labour; they supply various statistics and information periodically. The central services collect this information in a report which is not published but which is made available to the members of the labour inspectorate. This report contains all the information required by the Convention but is not transmitted to the I.L.O. (one copy of this report was, however, attached to the Government's report).

National legislation has already been amended to comply with the requirements of the Convention concerning the powers of labour inspectors and the Government intends to ratify the instrument.

RECOMMENDATION NO. 81

General Order No. 1604. IGTLs-AOF of 4 March 1954 respecting notification of undertakings (*Journal officiel de l'Afrique occidentale française*, 1954, p. 446).

Decree No. 65-128 of 2 April 1965 establishing the terms of reference, composition and procedure of the Technical Advisory Committee on Occupational Safety and Health (*Journal officiel de la République de Côte-d'Ivoire*, 1965, p. 424).

The opening of any establishment, the total cessation of operations for more than six months, any change in legal status and the closing of any establishment or undertaking must be notified to the labour inspector.

A labour inspector is an ex officio member of the National Committee on Public Health, which examines the plans of new establishments, plant and processes of production. The labour inspector determines whether the plans would hinder or prevent compliance with the social legislation. Authorisation for the opening of establishments is conditional upon the opinion rendered by the local labour inspector and the above-mentioned National Committee.

Workers' representatives, who collaborate with employers on matters of safety and health within the undertaking, may submit to the labour inspectors any complaint concerning the application of the legal provisions relating to industrial health and safety. Collaboration between the labour inspectorate and the employers and workers takes place within the framework of the Technical Committee on Occupational Safety and Health.

The Family Allowances Compensation Fund disseminates information on accident-prevention measures and fosters their application.

Prior to the enactment of legislation inspectors had already been performing conciliation functions. This practice was incorporated in the Labour Code because it was a firmly established custom, and it does not seem possible now to revoke these functions of the labour inspectors. The inspectors do not act as arbitrators in collective disputes; they merely make an effort at conciliation.

The annual report on the work of the inspectorate is not yet drawn up in the manner prescribed by the Recommendation.

Japan

RECOMMENDATION NO. 81

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), and Ordinances issued thereunder: Ministry of Welfare Ordinance No. 23 of 30 August 1947 respecting the enforcement of the Labour Standards Act: and Ministry of Labour Ordinance No. 9 of 1947 respecting industrial safety and hygiene.

Mine Safety Law, No. 70 of 16 May 1949 (*O.G.*, 16 May 1949, No. 42), and Ordinances issued thereunder.

Pneumoconiosis Law, No. 30 of 31 March 1960 (*Kampoo*, 31 Mar. 1960, No. 25, Extraordinary, p. 7) (*L.S.* 1960—Jap. 1), and the Ordinance issued thereunder: Ministry of Labour Ordinance No. 6 of 31 March 1960 respecting the enforcement of the Pneumoconiosis Law.

Organisations for Prevention of Industrial Accidents Law, No. 118 of 1964, and the Ordinance issued thereunder: Ministry of Labour Ordinance No. 19 of 1964.

An employer who comes under the Labour Standards Law must report this fact to the Labour Standards Inspection Office. The prime contractor in construction and shipbuilding must submit a report to the same office on the class of activity of the undertaking, the names of subcontractors, etc.

Plans for constructing, moving or remodelling a building must be submitted to the competent labour inspectorate prior to the start of the project. The labour inspectorate is authorised to stop the start of work or to order changes recognised to be necessary for the safety and health of the workers under the Labour Standards Law. The labour inspectorate is authorised to issue a stop-work order where there is imminent danger of accidents or in cases where the proprietor has failed to take certain measures to prevent accidents.

The employer must listen to the opinions of the workers concerned with regard to industrial safety and hygiene and workers' representatives must be included in safety or health committees, where these have been formed.

There are no provisions in the labour legislation indicating specifically that workers' and employers' representatives should be authorised to collaborate directly with the labour inspectorate when investigations are carried out.

The Central Labour Standards Council and the Prefectural Labour Standards Council have been established at the Ministry of Labour and at each Prefectural Labour Standards Office respectively in order to obtain workers' and employers' views on the enforcement of the Labour Standards Law and on problems of workers' health and safety. The Pneumoconiosis Council, composed of employers' and workers' representatives, has been established to carry out research into and discuss the prevention of pneumoconiosis, health administration, etc., and to obtain workers' and employers' views on these matters.

Reference material and other necessary assistance is supplied to workers and employers with a view to attaining the objectives of the law. An industrial safety meeting and an industrial health meeting are held once a year at the national and prefectural levels. Moreover, both a safety week and an industrial health week are observed every year for purposes of publicity and educational programmes directed towards the prevention of industrial accidents and occupational diseases. The law provides for the establishment of organisations for the prevention of industrial accidents, subsidised by the Government.

The labour standards inspectors are prohibited by administrative instructions from intervening in labour disputes.

A *Yearbook of Labour Standards Inspection* is published and complies with the requirements of Paragraph 9 of the Recommendation.

The Labour Standards Bureau of the Ministry of Labour supervises and controls the activities of the Prefectural Labour Standards Inspection Offices.

It is not intended to take further measures to give effect to the Recommendation or to request any modification of this instrument.

RECOMMENDATION No. 82

For legislation see under Recommendation No. 81.

While the labour inspection authorities also supervise the enforcement of standards laid down by the Labour Standards Law in mining and transport enterprises, the Mining Safety Bureau of the Ministry of Trade and Industry is required under the Mining Safety Law to inspect mines from the point of view of safety.

The Mining Safety Law makes it obligatory for persons with mining rights to take the necessary steps to ensure safety in mines. The law specifies who are the mining inspection authorities, methods of supervision and the penalties for violations of the law applicable to mines.

The Mining Safety Bureau, the Mining Safety Inspection Bureau and Mining Safety Inspection Division (as a local branch), with the mining inspectors attached thereto, supervise the application of safety standards in mines in accordance with the Mining Safety Law.

The Central Mining Safety Council and the local mining safety councils, both of which include employers' and workers' representatives, deal with the problems of safety in mines.

It has not been found necessary to take any special measures to give effect to the provisions of the Recommendation and it does not appear necessary to make any modifications to this instrument.

Jordan

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Labour Code, Act No. 21 of 14 May 1960 (*Al-jarida al-rasmiya*, 21 May 1960, No. 1491, p. 511) (*L.S.* 1960—Jor. 1), as amended by Act No. 2 of 2 January 1965 (*Al-jarida al-rasmiya*, 18 Jan. 1965, No. 1818).

Regulations No. 1 of January 1963 respecting labour inspectors (*ibid.*, Jan. 1963, No. 1663).

Regulations No. 2 of January 1963 respecting the notification of employment injuries (*ibid.*, loc. cit.).

Regulations No. 3 of January 1963 amending Regulations No. 29 of 1962 respecting the procedure to be followed in labour disputes (*ibid.*, loc. cit.).

Regulations No. 63 of 1964 respecting mines (*ibid.*, Nov. 1964, No. 1803) (section 12).

Section 10 of the Labour Code and Regulations No. 1 of 1963 respecting labour inspectors empower inspectors to enter during working hours any premises used as a workplace or which they have reasonable cause to believe to be a workplace, to inspect such premises, to examine any registers or records, to interrogate alone, or in the presence of witnesses, the management or the staff, and to require the posting of any notices required by legal provisions. An inspector may call upon the services of a medical practitioner and may require the employer to take such health and safety measures as may be necessary. Under section 34 of the Labour Code an employer must notify the Department of Labour of any accident, in accordance with the procedure laid down in Regulations No. 2 of 1963.

Inspectors must treat as confidential any manufacturing secrets which come to their knowledge, as well as any complaints that may be made to them.

In the event of a breach of the law, the inspectors decide whether to take legal action or to give advice or warnings.

Under paragraph 12 of the Regulations of 1964 respecting mines the Chief Inspector of Mines is responsible for accident prevention and safety in this sector; he has a staff of inspectors who hold degrees in mining engineering.

Kenya

RECOMMENDATION NO. 81

Factories Act, No. 38 of 14 September 1950 (*Laws of Kenya*, Cap. 514).

No general legislative provision exists for the submission of plans for new establishments but, under administrative arrangements with the local authorities, factory occupiers submit plans to the Chief Inspector of Factories for approval before starting the construction of premises.

Under the Factories Act factory occupiers are required to register their factories with the Chief Inspector of Factories. Where the Chief Inspector has refused registration of a factory on the grounds of non-compliance with the Act, there is a right of appeal to the Factories Appeal Board.

Factory inspectors carry out regular inspections and have powers under the Act to require the occupier to carry out such alterations as may be considered necessary for the purpose of ensuring the health and safety of the workers.

Whatever statistics are available are normally reproduced in the annual report of the Labour Department, copies of which are supplied to the I.L.O. when published.

By virtue of the nature of their duties labour officers act as conciliators and it is not possible to accept the Recommendation at present.

RECOMMENDATION NO. 82

Mining Act (*Laws of Kenya*, Cap. 306), and Regulations made thereunder.

Under section 2 and Part V of the Mining Act all mines and quarries are subject to safety inspections at regular intervals by inspectors of mines or other authorised persons.

Provisions are contained in the Act and in the regulations made thereunder for enforcing the requirements of inspectors, and penalties are laid down for non-compliance with the regulations or instructions issued by mining inspectors.

No other general legislative provisions relating to other conditions of work exist, the present policy being to leave such matters to be regulated by collective agreements.

Kuwait

CONVENTION NO. 81

Labour Law (Private Sector), No. 38 of 1964 (section 95).

Ministerial Decision No. 3 of 1965 on the inspection of establishments by labour officials.

Section 95 of the Labour Law gives the Ministry of Social Affairs and the labour officials concerned the right to perform industrial inspection in accordance with its provisions. They have the right to review all relevant records and to request all necessary information from employers.

A labour inspectorate, equipped with competent officials, has been set up by the Ministry to inspect industrial establishments and supervise the application and proper enforcement of the law.

The Ministry applies the provisions of the Convention through ministerial decisions, circulars, instructions, etc.

Laos

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

There is no labour inspection service in Laos. Nor are there any employers' or workers' organisations.

Libya

CONVENTION No. 81

Labour Inspection Regulation, No. 5 of 1961.

Under the above-mentioned regulation the inspection staff come under labour offices in the districts (*Muhafazat*), which are themselves under the supervision of the Ministry of Labour and Social Affairs.

The labour inspectors are appointed by the Ministry from among university graduates. They have the same conditions of service as the other grade 4 civil servants. Training courses for inspectors are organised every two years.

There are three labour inspection sections: one in Benghazi with four inspectors, one in Tripoli with six inspectors and one in Sebha with two inspectors. Any labour inspector may take with him a technical or medical expert on his inspections.

Paragraphs 4 to 7 of the Labour Inspection Regulation entrust the labour inspectors with the same powers as those provided for by Articles 12 and 13 of the Convention, except that inspectors may not inspect workplaces outside working hours or take samples of materials used in workplaces. The inspectors report to the district labour director on any violations of the labour legislation. If a violation is repeated, the labour director refers the case to the court.

The labour director in every district is required to prepare monthly and yearly reports for submission to the central inspection office in the Ministry of Labour and Social Affairs. The provisions of Article 21 of the Convention are applied by paragraph 10 of the Labour Inspection Regulation.

The Ministry of Labour and Social Affairs receives reports from the Ministry of Industry and from municipalities about working conditions, and from the National Social Insurance Institution about inspections which it has carried out. Labour unions always write to the inspection services to call attention to any violations of the labour legislation of which they may be aware. Strong co-operation thus exists between all parties concerned.

The labour legislation will be amended to ensure further application of the Convention. No important difficulties exist relating to the ratification of the Convention; only certain legal and administrative procedures have to be introduced, which require some time.

Luxembourg**RECOMMENDATION NO. 81**

Grand-Ducal Order of 26 March 1945 respecting the reorganisation of the Labour Inspectorate and the Mines Department (*Mémorial*, 1945, p. 130).

Grand-Ducal Order of 22 February 1951 to determine the conditions for the recruitment and appointment of technical and social staff of the Labour and Mining Inspectorate (*ibid.*, 1951, p. 358), as supplemented by the Grand-Ducal Regulations of 31 January 1962 (*ibid.*, 1962, p. 133).

Paragraphs 1 to 3 of the Recommendation. There are no legal provisions to make the opening of new establishments conditional upon previous examination and authorisation by the inspectorate.

Paragraphs 4 and 5. Safety committees have been established in iron and steel undertakings and have proved satisfactory; they ensure collaboration between employers and workers for which provision is not made in laws or regulations.

Paragraphs 6 and 7. Discussions on health and safety are now being held with the participation of government officials and employers' and workers' representatives, but no measures have as yet been taken to ensure the dissemination of information on the health and safety laws and regulations.

Paragraph 8. Under section 3 of the order of 1945 the inspectorate is required to perform conciliation duties on a regular basis.

Paragraph 9. The annual reports on the work of the inspectorate contain all the information required by the Recommendation.

A Bill to reform the labour and mining inspectorate will bring the existing legislation into conformity with the provisions of Convention No. 81 and the Recommendation.

RECOMMENDATION NO. 82

Section 2 of the Grand-Ducal Order of 26 March 1945 specifically applies to mines, surface mines and quarries, and to rail and road transport undertakings. A Bill now under examination will also place air and water transport under the supervision of the labour and mining inspectorate.

Malagasy Republic**CONVENTION NO. 81**

Labour Code, Ordinance No. 60-119 of 1 October 1960 (*Journal officiel (J.o.)*, 8 Oct. 1960, No. 125) (*L.S.* 1960—Mad. 1).

Decree No. 59-175 of 30 December 1959 respecting the organisation of the labour and social legislation services (*J.o.*, 9 Jan. 1960).

Decree No. 61-226 of 19 May 1961 respecting the appointment of labour inspectors and the regulations applying to them (*J.o.*, 3 June 1961, No. 170).

Decree No. 61-227 of 19 May 1961 respecting the appointment of labour supervisors and the regulations applying to them (*J.o.*, 3 June 1961, No. 170).

Decree No. 64-163 of 22 April 1964 introducing an official identity card for labour inspectors and labour supervisors (*J.o.*, 2 May 1964, No. 352).

All workers and employers come under the supervision of the labour inspectorate, which is responsible to the Minister of Labour.

There are two separate decrees for labour inspectors and labour supervisors, dealing with their respective conditions of employment and training and the regulations applying to them.

The staff of the inspectorate consists of six provincial inspectors and eight labour supervisors. A medical inspector, made available for the provision of technical advice, is attached to the Directorate of Labour.

Labour inspectors and supervisors have the powers prescribed by the Convention.

Persons who infringe the labour laws and regulations are liable to immediate prosecution.

The inspectors submit periodical reports to the Ministry of Labour, which in turn publishes an annual report that is communicated to the I.L.O.

The employers' and workers' organisations maintain frequent contact with the labour inspectorate in connection with complaints and the settlement of individual disputes.

The Government plans to ratify the Convention in due course.

Malawi

RECOMMENDATION NO. 81

Labour Legislation (Miscellaneous Provisions) Ordinance, No. 15 of 17 March 1964 (*Government Gazette*, 20 Mar. 1964) (L.S. 1964—Ny. 2).

Factories Ordinance, No. 21 of 17 March 1964 (*Government Gazette*, 20 Mar. 1964).

Wages Order 1964, Government Notice No. 189 of 1964.

Employment of Women, Young Persons and Children Ordinance (*Laws of Nyasaland*, Ch. 84).

Mining Ordinance (*ibid.*, Ch. 114).

Quarries Regulations, 1965, Government Notice No. 184.

Road Transport Industry (Minimum Wages and Conditions of Employment) Order of 1961, Government Notice No. 30 of 1961, as amended by Government Notice No. 190 of 1964.

Paragraphs 1 to 3 of the Recommendation. Any person wishing to open a new factory or take over an existing establishment is required to make a prior application, accompanied by plans for approval, to the Chief Inspector of Factories. No steam receiver or boiler may begin to operate until it has been examined by an engineer surveyor or unless a manufacturer's certificate has been provided. Whenever plans submitted would hinder the occupier from complying with the relevant regulations, remedial advice is given by the inspectorate so that the health and safety of the workers are safeguarded before the start of operations. The Chief Inspector of Factories can withhold registration until plans are deemed to be satisfactory.

Paragraphs 4 and 5. A number of works committees have been established and it is within their terms of reference to discuss safety and health conditions. Safety committees will be set up, where necessary, to provide means of collaboration with labour inspectors when the new factories legislation has been in operation for a longer period.

Paragraphs 6 and 7. The Consultative Council for Labour, composed of employers, workers and Ministry of Labour officials, is presented with all proposed labour legislation so that new regulations may be discussed before enactment. Prescribed notices on safety and health regulations are displayed at workplaces. Manuals or pamphlets are sold or distributed by the factories inspectorate to factory owners.

Paragraph 8. Factory inspectors do not act as conciliators in labour disputes. Experienced labour officers are entrusted with these duties.

Paragraph 9. Annual reports of the Ministry of Labour give detailed information which complies in general with Paragraph 9 of the Recommendation.

The Ministry of Labour is entrusted with the application of labour legislation.

Consideration will be given to the introduction of any further measures which appear to be necessary in the light of experience to give effect to the Recommendation.

RECOMMENDATION NO. 82

For legislation see under Recommendation No. 81.

Quarries, mines and transport undertakings are not excluded from the supervision of the labour inspectorate and are treated in a similar manner to any other establishment.

No further measures are considered necessary to give effect to the Recommendation.

Malaysia

States of Malaya

RECOMMENDATION NO. 81

Labour Code, 1933, as amended.

Penal Code.

Children and Young Persons Ordinance, No. 33 of 1947 (*Government Gazette*, 31 July 1947, Third Supplement).

Wages Councils Ordinance, No. 41 of 1947 (*ibid.*, 22 Sep. 1947, No. 20), as amended by Ordinance No. 49 of 20 December 1956.

Official Secrets Ordinance, No. 15 of 1950.

Weekly Holidays Ordinance, No. 47 of 9 August 1950 (*ibid.*, 15 Aug. 1950) (*L.S.* 1950—Mal. 1).

Employees Provident Fund Ordinance, No. 21 of 26 May 1951 (*Government Gazette*, No. 12, Second Supplement, 31 May 1951, p. 679) (*L.S.* 1951—Mal. 1), as amended by Ordinance No. 6 of 14 March 1952 and Rules made thereunder.

Workmen's Compensation Ordinance, No. 85 of 30 December 1952 (*L.S.* 1952—Mal. 1), as amended by Ordinance No. 31 of 15 October 1956.

Machinery Ordinance, No. 18 of 30 April 1953 (*Government Gazette*, 30 Apr. 1953, No. 11).

Employment Information Ordinance, No. 33 of 23 June 1953 (*ibid.*, 25 June 1953, No. 18).

Employment Ordinance, No. 38 of 27 June 1955 (*L.S.* 1955—Mal. 2), as amended by Ordinance No. 43 of 11 December 1956 (*L.S.* 1956—Mal. 1).

Machinery (Safety, Health and Welfare) Regulations, 1956.

The provisions of the Recommendation are considered appropriate for federal action.

Under Rule 3 (1) of the Employees Provident Fund Rules every new employer is required to submit to the Employees Provident Fund Board a prescribed return which contains information on his employees. By administrative arrangements, inspecting officers of the Department of Labour and Industrial Relations participate in the enforcement of Rule 3 (1).

Every person who wishes to install machinery must obtain the written approval of the inspector of machinery. The inspector of machinery inspects the proposed premises in order to ascertain whether they comply with the Machinery (Safety, Health and Welfare) Regulations. On completion of the installation a final inspection is carried out and if everything is found to be satisfactory a certificate of fitness is issued. The certificate is not transferable and on the sale or hiring out of the

machinery it becomes invalid. In the case of processes which are likely to affect adversely the health of any person the Minister may prohibit such processes either absolutely or conditionally and may make such special regulations controlling or prohibiting their use as appear to him to be reasonable.

Licences are required for specified trades and businesses. Inspecting officers of the Department of Labour and Industrial Relations maintain liaison with licensing authorities (health officers) and other departments. They are thus able to contact the management of proposed new undertakings to ensure their compliance with labour health regulations and other legislation.

The Machinery Ordinance and regulations made thereunder are enforced by the Chief Inspector of Machinery under the authority of the Commissioner of Labour in the Ministry of Labour.

Health and safety subjects are dealt with by the National Joint Labour Advisory Council, which represents workers and employers at the national level. At the undertaking level the Government encourages the creation of joint consultative committees. Such committees already exist in the larger undertakings. On estates the union branch committees collaborate actively with management on matters concerning housing and sanitation.

Inspecting officers maintain close liaison and collaboration with management and workers' representatives in the course of their inspections.

Lectures on labour legislation, health and safety are given from time to time by officers of the Department of Labour and Industrial Relations and the Machinery Department. Safety posters are supplied to industrial establishments for display. Technical schools and industrial training institutions include instruction in industrial hygiene and safety in their curricula.

As a rule inspectors are not required to act as conciliators or arbitrators in proceedings concerning labour disputes.

The annual reports of the Department of Labour and Industrial Relations supply all the information required under Paragraph 9 of the Recommendation except for statistics of occupational diseases. It is planned to include this information in future annual reports.

It is not considered to be necessary at present to apply those provisions not yet covered by national legislation or practice.

RECOMMENDATION No. 82

The provisions of the Recommendation are considered appropriate for federal action.

The system of labour inspection as carried out by the Department of Labour and Industrial Relations applies in general to all employees except government employees. It does not, however, cover safety, working methods and related matters in the mining and transport industries because these are subject to special legislation administered by other departments.

Sarawak

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Workmen's Compensation Ordinance, No. 4 (*Laws of Sarawak*, Cap. 80).

Labour Ordinance, No. 24 of 11 December 1951 (*Government Gazette*, Supplement, 22 Dec. 1951, No. 37, p. 625) (*L.S.* 1951—Sar. 1).

Because of the small size of the inspectorate it is not intended to take any measures to give effect to those provisions of the Recommendation not yet applied.

The Government also refers to the first report which it submitted on Convention No. 81.¹

Mali

RECOMMENDATION No. 81

Labour Code, Act No. 62-67 of 9 August 1962 (*Journal officiel (J.o.)*, 15 Oct. 1962, No. 128) (*L.S.* 1962—Mali 1).

Social Welfare Code, Act No. 62-68 of 9 August 1962 (*J.o.*, 15 Oct. 1962).

Order No. 5253 of 19 July 1954 to prescribe general health and safety measures for establishments of all kinds.

Under section 360 of the Labour Code any person who proposes to open an undertaking or workplace of any kind is required to give notice in advance to the Manpower Office. In practice this notice is then transmitted to the labour inspectorate, which opens a file on the undertaking in question.

Workers' representatives collaborate closely with the labour inspection service as regards, *inter alia*, occupational health and safety. Section 336 of the Labour Code provides that workers' representatives must "refer to the inspectorate of labour any complaint or representation respecting the application of the laws and regulations . . . , ensure that the rules relating to workers' health and safety . . . are observed, and . . . recommend any necessary action in these matters". In addition section 79 of the Social Welfare Code provides that: "Employers must post up in every workshop, work site or workplace a notice drawn up by the Institute to inform workers of the regulations relating to industrial accidents and occupational diseases". The National Social Welfare Institute also has films on preventive measures against industrial accidents and occupational diseases. Finally, section 82 of the order of 19 July 1954 requires the competent staff to ensure that workers observe all the health and safety provisions.

The labour inspectorate has always acted as an arbitrator with a view to the settlement of disputes on an amicable basis. Conciliation is one of the most important tasks of labour inspectors. Section 242 of the Labour Code empowers labour inspectors, on the request of either party, to attempt to settle individual disputes out of court.

In case of failure, which has to be recorded in a report to that effect, the dispute may be referred to a labour court. This system enables many disputes to be settled in the best interests of the parties concerned, as the labour inspectors are the persons most qualified to provide them with full information concerning their respective rights.

In addition section 268 of the Labour Code provides that labour inspectors may help to settle collective disputes. In the case of such disputes the inspectors immediately undertake conciliation proceedings and report on the success or failure of their efforts.

The annual reports prepared by the labour inspection service contain most of the information required by the Recommendation; they also include statistics on individual disputes.

The enforcement of legal provisions and regulations relating to labour questions is ensured by the labour and social security services.

¹ See I.L.O.: *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*, Report III (Part I), International Labour Conference, 43rd Session, Geneva, 1959 (Geneva, 1959), p. 218.

RECOMMENDATION No. 82

Order No. 2523 ITLS-SO of 20 July 1953 respecting the working of a 40-hour week in quarries and surface mines.

Order No. 2587 ITLS-SO respecting the working of a 40-hour week in air transport undertakings.

Order No. 2588 ITLS-SO of 23 July 1953 respecting the working of a 40-hour week in land transport undertakings.

Order No. 2589 ITLS-SO of 23 July 1953 respecting the working of a 40-hour week in water transport undertakings.

The labour inspectorate has general competence for the different sectors of the economy. However, section 355 of the Labour Code provides that "in mines, surface mines and quarries, and in establishments and workplaces where the work is subject to supervision by a technical service, the officials charged with such supervision shall see that the plant . . . is arranged in such a way as to ensure the workers' safety. They shall ensure that such special regulations as may be made in this field are complied with, and shall, for this purpose and to this extent, have the powers of labour inspectors. They shall inform the labour inspector as to the measures which they have prescribed and, in appropriate cases, of the fact that they have served notice on the employer. The labour inspector may at any time request the officials . . . to inspect mines, quarries, establishments and workplaces subject to technical supervision, and carry out such inspections with the said officials."

The labour inspector may also authorise temporary exemptions from the Orders respecting the working of a 40-hour week in quarries and surface mines, and in air, land and water transport undertakings.

All the provisions of the Recommendation with regard to transport undertakings are covered by the national legislation. With regard to mines, certain mining processes have not as yet been introduced in Mali, but, as soon as this occurs, appropriate measures will be taken in conformity with the provisions of the Recommendation.

Malta

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Factories (Health, Safety and Welfare) Regulations of 1945.

Factories (First Aid) Regulations of 1949.

Conditions of Employment (Regulation) Act, No. 11 of 22 March 1952 (*L.S.* 1952—Malta 1).

National Insurance Act, No. 6 of 28 April 1956.

Factories (Power of Inspectors) Regulations, 1960—Legal Notice No. 42 of 14 October 1960.

Industrial and commercial undertakings cannot begin to operate without obtaining a police licence. Before such a licence is issued, a labour officer from the Department of Labour and Emigration inspects the establishment to ascertain whether it complies with the relevant safety laws and regulations.

The majority of establishments are small and the need for setting up safety committees in undertakings hardly arises. A few large establishments employ a safety officer or a welfare officer or both.

The Department of Labour and Emigration has a safety unit consisting of a technical officer and a number of labour officers who carry out factory inspections.

Transport undertakings are inspected in the same way as other undertakings in Malta. No mines exist in the country.

Inspectors are not empowered to act as conciliators or arbitrators in labour disputes.

An annual report on the activities of the Departments of Labour and Emigration and of Social Services is published.

As the provisions of the Recommendations are substantially applied, no new measures need to be taken.

Mauritania

RECOMMENDATION No. 81

RECOMMENDATION No. 82

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

Order No. 10058 of 5 February 1964 to prescribe the composition of a joint committee (*J.o.*, 18 Mar. 1964, Nos. 131/132).

Order No. 10129 of 6 March 1964 to prescribe the composition of a joint committee (*J.o.*, 15 Apr. 1964, Nos. 133/134).

Order No. 10240 of 28 April 1964 to prescribe the composition and functioning of the Technical Committee on Health and Safety (*J.o.*, 17 June 1964, Nos. 137/138).

Order No. 10354 of 6 July 1964 to appoint the representatives of the employers' and workers' organisations on the Technical Committee on Health and Safety (*J.o.*, 5 Aug. 1964, No. 141).

General Order No. 7762 of 8 December 1952 to issue general regulations for prospecting and the operation of mines.

The Labour Department is responsible for the preparation, co-ordination and supervision of social legislation, under the authority of the Minister of Labour and Social Welfare. It has general competence as regards employment in commerce and industry. Its competence does not, however, extend to the merchant marine or to the technical inspection of mines and quarries; such inspection is the responsibility of technicians, who have the powers of inspectors in matters relating to safety and who submit reports to the labour inspector. Responsibility for securing the enforcement of the social legislation rests with the labour inspector.

The social organisations have the right to approach inspectors and mining engineers directly at meetings of joint committees, which include equal numbers of employers' and workers' representatives, and in the case of complaints or the discovery of infringements.

The national legislation appears to conform to the provisions of the Recommendations.

Mexico

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Federal Act respecting public servants, pursuant to paragraph (B) of Article 123 of the Federal Political Constitution (*Diario Oficial*, 28 Dec. 1963).

Regulations for the Federal Labour Inspectorate.

Internal Regulations for the Labour and Social Security Secretariat.

The existing system of labour inspection covers industrial and commercial establishments (section 403 of the Federal Labour Act, paragraph 1 (I) of the Regulations for the Federal Labour Inspectorate and paragraph 18 of the Internal Regulations for the Labour and Social Security Secretariat).

Under the federal Act respecting public servants labour inspectors are regarded as trustworthy employees. Further information in this connection has already been supplied, particularly in the report submitted for the period ending 31 December 1955.

Statistics on the activities of the inspectors are given in the reports on the work of the Labour and Social Security Secretariat.

The fact that the Labour Act is of federal application means that effect may be given to the provisions of the Convention throughout the Republic.

The Government also refers to the report which it submitted under article 19 of the Constitution for the period ending 31 December 1955.¹

Morocco

RECOMMENDATION No. 81

Dahir of 2 July 1947 governing employment (*Bulletin officiel (B.o.)*, 17 Oct. 1947, No. 1825, p. 1028) (*L.S.* 1947—Mor. 1), as amended and supplemented by the Dahirs of 21 September 1949 (*B.o.*, 28 Oct. 1949), 5 August 1950 (*B.o.*, 5 Jan. 1951, No. 1993, p. 3) (*L.S.* 1950—Mor. 2), 10 August 1952 (*B.o.*, 31 Oct. 1952), 27 April 1953 (*B.o.*, 24 July 1953), 29 October 1958 (*B.o.*, 19 Dec. 1958), 16 January 1962 (*B.o.*, 2 Feb. 1962) and 30 June 1962.

Dahir of 25 August 1914 to issue regulations for establishments in which unhealthy, arduous or dangerous work is carried on (*B.o.*, 7 Sep. 1914), as amended by the Dahirs of 13 October 1933 (*B.o.*, 1 Dec. 1933), 11 August 1937 (*B.o.*, 1 Oct. 1937), 9 June 1938 (*B.o.*, 8 July 1938), 9 November 1942 (*B.o.*, 25 Dec. 1942), and 18 January 1950 (*B.o.*, 27 Apr. 1950).

Vizierial Order of 14 July 1948 to issue staff rules for the Labour Inspectorate (*B.o.*, 30 July 1948), as amended by Vizierial Orders of 20 August 1953 (*B.o.*, 4 Sep. 1953) and 2 September 1958 (*B.o.*, 19 Sep. 1958).

Order of 15 July 1948 of the Director-General of Labour and Social Questions to prescribe the conditions for the recruitment of male and female labour inspectors and assistant inspectors (*B.o.*, 30 July 1948), as amended.

Order of 22 November 1948 to demarcate the labour inspection districts.

Dahir of 29 April 1957 to establish labour courts (*B.o.*, 17 May 1957).

Order of 29 October 1962 respecting workers' representation in undertakings (*B.o.*, 16 Nov. 1962) (*L.S.* 1962—Mor. 1).

The enforcement of the social legislation is secured by the labour inspectors and supervisors.

A memorandum attached to the Government's report summarises the activities of the inspection services, *inter alia* in connection with conciliation.

Since the national law and practice are, generally speaking, in conformity with the Recommendation, no new measures are proposed.

RECOMMENDATION No. 82

Dahir of 16 April 1951 to issue Regulations respecting mines (section 97).

Dahir of 18 June 1936 and Decree of 10 July 1962 to issue Regulations respecting civil aviation.

Dahir of 13 May 1959 to amend the Merchant Shipping Code of 31 March 1919.

Order of 21 January 1953 respecting the organisation of work on board sea-going vessels.

Under section 52 of the Dahir of 1947 governing employment and under section 97 of the Regulations respecting mines, mining engineers and labour inspection officials

¹ See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1956), p. 14.

of the Mines Service secure enforcement of the general labour laws and of the special legislation applicable to mines. A draft decree respecting staff rules for engineers is now being studied, together with amendments to the legislation on occupational diseases.

Road transport undertakings come within the competence of the labour inspectorate of the Ministry of Labour and Social Affairs, which has power, *inter alia*, to grant exemptions from the maximum daily mileage laid down for drivers of vehicles.

Responsibility for the inspection of rail transport lies with the engineer inspectors of the National Railway Board, who have the same powers as labour inspectors.

In air transport undertakings the labour inspectorate of the Ministry of Labour and Social Affairs supervises the application of the social laws, settles industrial disputes and secures the enforcement of the legal provisions respecting conditions of employment, while the air directorate of the Ministry of Public Works and Communications is responsible for technical supervision. The regulations governing hours of work, including the limitation of the flying time of air crews, are supervised jointly by the technical inspectors and the labour inspectorate.

Under section 53*bis* of the Dahir governing employment "the duty of supervising the observance of the labour laws on board ships used for maritime navigation shall be entrusted to the heads of maritime districts and maritime navigation inspectors in lieu of the labour inspectors"; the labour inspectorate retains competence for supervising the services ashore. The maritime navigation inspectorate secures the enforcement of the laws respecting conditions of employment (hours of work, organisation, staffing, etc.) and of the technical safety rules. It is also competent to settle industrial disputes.

Netherlands

RECOMMENDATION NO. 81

Decree of 23 August 1920 to issue public administrative regulations for the Labour Inspectorate (*Staatsblad* (Sb.), 1920, No. 720), as amended by the Decrees of 28 July 1924 (Sb., 1924, No. 389) (L.S. 1924—Neth. 6) and of 13 March 1931 (Sb., 1931, No. 81) (L.S. 1931—Neth. 1).

Decree of 17 September 1930 to promulgate the Labour Act, 1919 (Sb., 1930, No. 388 A) (L.S. 1930—Neth. 2B), as amended, *inter alia*, by the Act of 25 April 1951 (Sb., 1951, No. 135) and by the Act of 16 August 1951 (Sb., 1951, No. 390) (L.S. 1951—Neth. 1).

Act of 2 July 1934 respecting safety at work in general and safety in factories and workshops in particular (Sb., 1934, No. 352) (L.S. 1934—Neth. 2), as amended by the Act of 25 April 1951 (Sb., 1951, No. 136).

Act of 15 May 1952 respecting dangerous, unhealthy or noxious establishments (Sb., 1952, No. 274).

Under section 7 of the Act of 1952 plans for establishments classified as dangerous, unhealthy or noxious must be submitted to the local chief labour inspector. The Act of 1934 prescribes that the local chief inspector must state whether or not the establishment meets the requirements of the Act. If it does not, authorisation for putting the plans into effect is not granted. The 1934 Act provides for the right of appeal against the decision of the local chief inspector.

Section 20 of the same Act lays down the procedure for the establishment of safety committees. Up to the present, however, works committees have been formed on a voluntary basis and not on the basis of this provision. Posters, notices and folders, as well as documentary films, have been used for the dissemination of information on labour and health and safety legislation. There is a permanent

exhibition organised by the Safety Institute in Amsterdam, and officials of the labour inspectorate give courses on safety in technical schools.

Under section 5 of the decree of 1920 officials of the inspectorate shall refrain from intervening in any way in labour disputes without the previous authorisation of the Minister of Labour.

The annual reports on inspection published in accordance with section 77 of the Labour Act contain all the information required by the Recommendation, with the following exceptions: they do not indicate the average number of persons employed; there is no distinction made between visits by day and visits by night; they do not specify the number of workplaces visited more than once.

RECOMMENDATION NO. 82

Act of 9 November 1936 respecting hours of work of motor vehicle drivers (*Staatsblad (Sb.)*, 1936, No. 802) (*L.S.* 1936—Neth. 4).

Act of 21 April 1810 respecting mines (*Sb.*, 1810, No. 285).

Quarries Regulations of 1947.

Decree of 21 December 1964 to establish mines regulations (*Sb.*, 1964, No. 538).

Section 8 of the 1936 Act provides that, in respect of transport undertakings, supervision of the application of this Act and the regulations made thereunder shall rest with the labour inspectorate acting in collaboration with the roads inspection service of the Ministry of Communications. The labour inspectorate is also competent in respect of inland water transport. Supervision of sea and air transport undertakings is the responsibility of the Ministry of Communications, which has its own specialised inspection service.

In accordance with section 324 of the Mines Regulations, 1964, the Inspector General of Mines is the chief of the state control service. Supervision is carried out by the Inspector General, with the assistance of inspectors and other officials of the mines control service appointed by the Minister for Economic Affairs.

Mines inspectors must have a university degree and the other officials must have had a secondary education. A knowledge of mining law and practical experience are required in all cases.

The officials of the mines control service are assisted by mines supervisors (of whom there are at present eight) appointed under five-year contracts by the Mining Industrial Council. They are responsible for the regular inspection of underground work and for investigating any accidents arising in connection therewith.

The officials of the mines control service are responsible for the application of the Mines Regulations, 1964. For this purpose they enjoy the same powers and facilities as the officials of the labour inspectorate, who remain responsible for supervising the application of the social legislation (wages, hours of work, etc.). They have the same professional obligations (to have no interest in the mining undertakings, to observe professional secrecy, etc.).

The management of a mining undertaking must provide the mines inspectorate with any information necessary for effective supervision and adopt any safety measure that the inspector may consider necessary, subject to the right of appeal to the Minister for Economic Affairs. Where there is imminent danger, the inspector may himself take the necessary steps.

Plans for the construction or conversion of a mining establishment must be submitted to the Inspector General of Mines, who will order any modifications that may be necessary.

The mines inspectorate as well as the mining supervisors must be informed of any accidents that take place.

Infringements of the mining legislation are punished by fines or imprisonment. Officials of the mines control service are not allowed to intervene in labour disputes. They must submit a daily report on their inspections to the Inspector General. The latter must submit an annual general report on all mining activities and on the supervision of the mines to the Minister for Economic Affairs. A copy of this report, which contains the information required by Convention No. 81, is sent regularly to the I.L.O.

Surinam

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

Ordinance of 8 September 1947 respecting labour contracts (*Gouvernementsblad van Suriname*, 1947, No. 140), as amended in 1962 (*ibid.*, 1962, No. 93) and in 1963 (*ibid.*, 1963, No. 164).

Ordinance of 8 September 1947 governing occupational safety (*ibid.*, 1947, Nos. 142 and 143), as amended by the National Decree of 17 July 1962 (*ibid.*, 1962, No. 109) and the Decrees of 1947 (*ibid.*, 1947, Nos. 167 and 168), of 1948 (*ibid.*, 1948, Nos. 104 and 183), of 1949 (*ibid.*, 1949, No. 128) and of 1950 (*ibid.*, 1950, No. 121) to give effect to the Ordinance.

Ordinance of 10 September 1947 imposing on employers the obligation to grant compensation and granting the right to compensation to persons who have suffered employment injuries in certain industries (*ibid.*, 1947, No. 145), and Decrees of 31 October and 31 December 1947 (*ibid.*, 1947, Nos. 153, 204 and 205), and of 10 June 1948 (*ibid.*, 1948, No. 70), to give effect to the Ordinance.

Ordinance of 8 December 1947 governing hours of work (*ibid.*, 1947, No. 185) and the Decree of 1947 (*ibid.*, 1947, No. 191) to give effect to the Ordinance.

Ordinance of 1948 respecting holidays (*ibid.*, 1948, No. 177), as amended in 1963 (*ibid.*, 1963, No. 144).

Ordinance of 1963 respecting labour (*ibid.*, 1963, No. 163), effective 16 May 1965.

The labour inspectorate supervises the application of the above-mentioned legislation, without the participation of employers and workers. It is planned shortly to intensify propaganda directed towards safety measures.

The inspectorate has general competence for all workplaces, including mines and transport undertakings.

New Zealand

RECOMMENDATION NO. 81

Factories Act, No. 43 of 12 October 1946 (*New Zealand Statutes*, Reprint, 1908-57, Vol. 4, p. 775) (*L.S.* 1946—*N.Z.* 4), as amended in 1948 and in 1949, and by the Factories Amendments Acts, Nos. 77 of 26 November 1953 and 66 of 25 October 1956.

Industrial Relations Act, No. 6 of 16 August 1949 (*L.S.* 1949—*N.Z.* 1).

Construction Act, No. 32 of 15 October 1959.

Health (Eating-House) Regulations, 1948.

Food Hygiene Regulations, 1952.

Spray-Coating Regulations, 1962.

Paragraphs 1 to 3 of the Recommendation. Under the Factories Act the advance notice required to be given to the labour inspectorate by any person who proposes to open or take over an industrial establishment is compulsory. The applicant shall deliver with his application a sketch plan, drawn to scale and satisfactory to the inspector, of the intended factory. If the inspector thinks that the intended factory or the plan thereof is defective he shall specify the defects and inform the applicant

that the factory will not be registered until the defects are remedied to the inspector's satisfaction.

Similar provisions are contained in the Spray-Coating Regulations, the Construction Act, the Food Hygiene Regulations (applying to bakehouses, selling of meat or fish, etc.) and the Health (Eating-House) Regulations.

Paragraphs 4 to 6. Under the Industrial Relations Act the Minister of Labour may appoint an Industrial Advisory Council to inquire into and make reports and recommendations on ways and means of improving industrial relations and industrial welfare. The Act provides for the establishment on a voluntary basis of works committees, representative of workers and employers, to improve and maintain the welfare, safety and health of workers in the industries or undertakings covered by them.

Instructions issued to inspectors of factories provide that in appropriate cases a workers' representative as well as a representative of the employer may accompany the inspector during investigation of questions relating to amenities and the health and welfare of the workers.

Paragraph 7. Articles on industrial safety appear regularly in the publications of the Department of Labour. The Labour Department and the Occupational Health Branch of the Public Health Division in the Health Department, acting through a Joint Committee (on which the National Safety Association of New Zealand is represented), issue articles on safety, health, and welfare both in pamphlet form and for publication in various trade publications. The Committee also issues placards, safety posters and film strips, and prepares industrial safety exhibitions. Safety matters are publicised in association with a mobile health exhibit that is a feature of the activities of the Department of Health.

Paragraph 8. The Department of Labour is responsible for administering the industrial conciliation and arbitration procedure, and acts in this connection through specially appointed officers known as conciliation commissioners. However, members of the employing and working community are accustomed to approach the inspector of factories, whose appointment includes the function of an inspector of awards. He is often asked to adjudicate on minor differences and his authority has even been recognised by some awards in respect of which the parties have agreed that he shall be the arbiter in interpretation disputes.

These dual functions have occasioned no opposition from either group and, while not strictly in accordance with Paragraph 8 of the Recommendation, are often a satisfactory substitute for the enforcement action that would be the inspector's function should the arbitration approach not have been made.

Paragraph 9. The published annual reports of the various inspection services cover, in varying degree, the items specified in the Recommendation.

RECOMMENDATION NO. 82

Coal Mines Act, No. 39 of 1 October 1925 (*L.S.* 1925—*N.Z.* 2).

Mining Act, No. 15 of 11 September 1926 (*L.S.* 1926—*N.Z.* 1).

Quarries Act, No. 13 of 30 October 1944.

Civil Aviation Act, No. 12 of 26 August 1948.

Shipping and Seamen Act, No. 49 of 23 October 1952.

Industrial Conciliation and Arbitration Act, No. 72 of 1 October 1954 (*L.S.* 1954—*N.Z.* 1) as amended by Act No. 52 of 5 December 1962.

Dangerous Goods Act, No. 20 of 11 October 1957, and Regulations of 1958.

Explosives Act, No. 19 of 11 October 1957, and Regulations of 1959.

State Services Act, No. 132 of 14 December 1962.

Transport Act, No. 135 of 14 December 1962, and Licensing Regulations of 1963.

The Coal Mines Act, the Mining Act and the Quarries Act cover all types of mining and quarrying and construction in connection therewith. The inspection of mines for the purpose of supervising the application of legislative provisions, including the enforcement of awards under the Industrial Conciliation and Arbitration Act, is the concern of the Mines Department.

As regards transport undertakings, different aspects of inspection work in transport are the responsibility of different departments of State, which, however, work in close collaboration.

The Transport Department administers the Transport Act, which applies to goods and passenger transport by motor vehicle.

The Department of Labour is concerned with the enforcement of the Factories Act and of provisions of awards made under the Industrial Conciliation and Arbitration Act. Inspection procedures in motor vehicle transport are much the same as those applying to factories.

The Department of Internal Affairs administers the Explosives Act, 1957, and the Dangerous Goods Act, 1957. Its inspectors investigate the loading, unloading and conveyance of dangerous goods by road.

The Transport Department is responsible for enforcement of matters within its competence in the Government Railways Road Services.

The Marine Department is responsible for inspection relating to the engagement of seamen and the condition of vessels.

The Civil Aviation Department is concerned with the safety, health and welfare of civil aviation personnel and the condition of aircraft.

Labour Department inspectors, however, are responsible for supervising the application of the terms of awards under which seamen and civil aviation personnel are employed.

The inspectors of all the departments referred to above maintain liaison with the Health Department.

The report of the Government gives a detailed account (with reference to particular legislative provisions) of the organisation of the inspection of mines and transport undertakings. This account covers the appointment of inspectors, their qualifications, rights and powers, duties, and status; women inspectors; non-disclosure of information; penalties for contravention of legal provisions; and publication of annual reports. The information corresponds substantially to that given in respect of labour inspection in industry and commerce.

The Government states that, in its opinion, New Zealand law and practice are fully in accord with the provisions of the Recommendation.

Cook Islands

RECOMMENDATION No. 81

The negligible amount of industry in this group does not warrant the setting up of a labour inspection service.

RECOMMENDATION No. 82

There are no mining undertakings. There is little in the way of transport in this group of islands: a weekly feeder service from Western Samoa and Pago Pago in respect of air transport; three taxi services, private truck owners maintaining a more or less regular service between the outer villages and Avarua; a school bus service; and, by sea, the New Zealand Government 2,750-ton Moana Roa, which last year called at Rarotonga 11 times. The position does not warrant the institution of a labour inspection service.

Tokelau Islands

RECOMMENDATION No. 81

The only industry on the islands consists of copra production, the manufacture of plaited ware and woodwork. A labour inspection service would be inappropriate in the circumstances.

RECOMMENDATION No. 82

No mining operations are carried on and there is no transport as understood in terms of the Recommendation. Consequently, the instrument has no application to this group.

Niger

CONVENTION No. 81

RECOMMENDATION No. 82

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

Decree No. 60-014/MTAS of 15 January 1960 to reorganise the employment, manpower and social security services (*ibid.*, 1 Feb. 1960).

The labour inspectorate is under the authority of the Minister of Labour, and its competence extends to all undertakings where persons are employed in accordance with the terms of section 1 of the Labour Code.

The rules for labour inspectors have not yet been adopted. Labour inspectors will belong to one of the highest grades of the civil service and will be recruited from among law graduates. Three of the present inspectors followed a course of training at the Paris Institute of Advanced Studies for Students from Overseas Countries.

The present staff consists of one inspector who is the Director of Labour, two inspectors who carry out inspections in Niamey and Zinder, respectively, and one labour supervisor who acts as inspector at Maradi.

Sections 131, 132 and 151 of the Labour Code confer on inspectors the powers prescribed in the Convention. The inspectors draw up reports on violations, and these reports constitute *prima facie* evidence until the contrary is proved. Part IX of the Code prescribes appropriate penalties, *inter alia* for obstructing an inspector in the performance of his duties.

In addition to the reports on their visits the labour inspectors prepare monthly and annual reports for the Directorate of Labour, which in turn prepares an annual report on its activities.

The following bodies perform certain supervisory functions: the National Social Security Fund, which must notify the inspector of any warnings served by its officials and which transmits notifications of industrial accidents; the mines safety technicians; civil servants and army officers who discharge the functions of labour inspectors in military establishments.

The national legislation conforms to the provisions of the Convention and there appears to be no obstacle to ratification.

RECOMMENDATION No. 81

General Order No. 1604/ITLS/AOF of 4 March 1954 respecting the notification of new undertakings.

Notice must be given to the labour inspectorate before any new undertaking is opened. At present it is not compulsory for the plans of a new undertaking to be examined beforehand by the Inspectorate.

Inspectors play an important part in connection with conciliation. The Social Security Fund has not yet taken any initiative as regards the prevention of industrial accidents.

It is possible that plans for new plant may be made subject to approval by the labour inspectorate in respect of compliance with health and safety standards.

Nigeria

RECOMMENDATION NO. 81

Labour Code, Act No. 54 of 5 November 1945, as amended by Ordinances Nos. 8 of 20 May 1946 (*L.S.* 1946—Nig. 1A and B), 29 of 1 September 1948 (*Nigeria Gazette (N.G.)*, 2 Sep. 1948, No. 46, Supplement, p. 991) (*L.S.* 1948—Nig. 1), 7 of 29 April 1949 (*N.G.*, 5 May 1949, No. 25, Supplement, p. 313) (*L.S.* 1949—Nig. 1), 34 of 14 October 1950 (*L.S.* 1950—Nig. 1) and in 1958 (*Laws of the Federation of Nigeria and Lagos*, 1958, Ch. 91).

Factories Act, No. 33 of 14 September 1955, as amended by Act No. 45 of 20 December 1958 (*ibid.*, Ch. 66).

Wages Board Act, No. 5 of 3 May 1957 (*ibid.*, Ch. 211), and Orders issued thereunder.

Companies Act (*ibid.*, Ch. 37).

Registration of Business Names Act (*ibid.*, Ch. 179).

Lagos Local Government By-Laws (sections 3 and 5).

Section 9 of the Factories Act, section 3 of the Registration of Business Names Act and section 231 of the Companies Act give effect to the provisions of Paragraph 1 of the Recommendation.

The Lagos Local Government By-Laws stipulate that no new building (including factories and workshops) shall be commenced before the drawings referred to in these by-laws have been approved by the National Industrial Safety Council. Legislative provisions similar to the above-mentioned by-laws exist in all the regions of the Federation. Plans of new establishments are submitted, prior to approval, to the factory inspectorate for its technical opinion concerning whether they comply with industrial health and safety requirements. The above conditions do not apply to plant or processes of production.

Collaboration between employers and workers with a view to improving conditions affecting the health and safety of workers is encouraged, and safety committees exist in many establishments.

National practice, as may be seen from the activities of the National Industrial Safety Council, encourages collaboration between the inspectorate and members of works safety committees.

The National Industrial Safety Council was established to prevent industrial accidents and to promote occupational health in industrial establishments. The Council is tripartite in structure and provides a good opportunity for concerted action by the Government, industry and workers on the methods and techniques of accident prevention.

Factory inspectors give lectures on labour legislation and industrial hygiene and safety. Posters, pamphlets and various publications on these matters are issued by the inspectorate and distributed in factories. Exhibits are arranged and proposals have been made for including industrial hygiene and safety in the curriculum of technical schools.

Because of shortage of staff labour inspectors may occasionally be required to act as conciliators in proceedings concerning labour disputes.

The annual report of the Ministry of Labour for 1964 has not as yet been published. As far as possible it will cover the various items set out in Paragraph 9 of the Recommendation.

The federal Ministry of Labour and the local government councils ensure that those provisions of the Recommendation which are covered by national legislation are observed.

RECOMMENDATION No. 82

Nigerian Railway Corporation Act (*Laws of the Federation of Nigeria and Lagos*, Ch. 139) (Parts VIII, IX, XVI).

Ports Act (*ibid.*, Ch. 155) (Part V).

Minerals Act (*ibid.*, Ch. 121) (section 118).

Road Traffic Act (*ibid.*, Ch. 184).

Coal Corporation Act (*ibid.*, Ch. 134) (sections 28 to 31).

Within the context of the legal definition of a worker the provisions of the Labour Code apply to workers in mining and transport undertakings. Various other legislative provisions also govern the conditions of work and the standards of safety, health, welfare and housing which inspectors are required to enforce in mining and transport undertakings.

In accordance with the established practice organisations of employers and workers are consulted when proposals affecting them are being considered.

There are no proposals for any new measures to be taken regarding this Recommendation.

The non-existence of adequate inspection staff to enforce some of the provisions may prevent adoption of the Recommendation.

Norway

RECOMMENDATION No. 81

Workers' Protection Act, No. 2 of 7 December 1956 (*Lovtidend (Lt.)*, 31 Dec. 1956, No. 45, p. 1235) (*L.S.* 1956—Nor. 2), as amended by Act No. 1 of 28 November 1958 (*Lt.*, 20 Dec. 1958, No. 42, p. 945) (*L.S.* 1958—Nor. 2) and by Act No. 8 of 18 June 1965 (*Lt.*, 23 July 1965).

Workers' Protection Act for Spitsbergen of 21 December 1962 (*Lt.*, 21 Jan. 1963), as amended by the Crown Prince Regent's Decree of 13 November 1964 and by the Building Act of 18 June 1965.¹

Under section 3 (3) of the Workers' Protection Act a report must be submitted at least 14 days before an industrial establishment is opened or taken over. Any person proposing to adopt new working conditions or processes of production, or to introduce safety measures, is entitled to submit plans for comments to the labour inspectorate.

Under the same Act the workers themselves must co-operate in the application of measures introduced to protect them from accidents and injuries, and must observe the injunctions of the employer and the inspectorate in this respect.

It is the employers' duty to ensure an organised safety service in industrial establishments. Provision is made for safety committees, and the name of the elected safety representative must be made known to the workers.

A worker who wishes to have deficiencies in safety measures rectified is generally expected to apply first to his immediate superior. Failing results, he may then approach the safety representative, who, if he agrees with the worker, will himself see the worker's immediate superior. If the safety representative obtains no satisfaction he reports to the safety committee, which may refer the matter to the highest authority

¹ The last-mentioned Act was not in force at the date of submission of the Government's report.

in the establishment. The safety officer may also apply directly to the labour inspectorate, but generally he does not resort to this measure before a discussion at the highest level in the enterprise has failed to produce a satisfactory outcome.

Inspectors are required to establish contact with employers' and employees' safety representatives during inspections.

Workers' representatives must be informed of decisions of the labour inspectorate. They are entitled to express the workers' views before exemptions from the provisions respecting working hours are granted.

Workers' representatives are protected against unwarranted dismissal.

RECOMMENDATION NO. 82

For legislation see under Recommendation No. 81.

Responsibility for the inspection of mines in Spitsbergen has been transferred from the regional inspector of mines to an official of the Directorate of Labour Inspection. A special inspector of mines and a mining engineer have been appointed to the Directorate. In the case of mines on the Norwegian mainland the possibility of transferring inspection from the regional inspectors of mines to officials of the Directorate of Labour Inspection is under consideration.

The Directorate of Labour Inspection may appoint persons other than officials of the Directorate to supervise the observance of the workers' protection regulations applicable to Spitsbergen.

Pakistan

RECOMMENDATION NO. 81

Factories Act, No. XXV of 20 August 1934 (*L.S.* 1946—Ind. 1), as amended by Act No. V of 11 March 1947 (*Gazette of India*, Extraordinary, 11 Mar. 1947, p. 234) (*L.S.* 1947—Ind. 3).

Industrial Disputes Ordinance, No. LVI of 19 October 1959 (*Gazette of Pakistan*, 21 Oct. 1959, Extraordinary, p. 1725) (*L.S.* 1959—Pak. 1).

Railways Act, 1890 (Ch. VI).

Mines Act, No. IV of 23 February 1923 (*Gazette of India*, 3 Mar. 1923) (*L.S.* 1923—Ind. 3), as amended, and Regulations made thereunder.

Road Transport Workers Ordinance, No. XXVIII of 30 June 1961 (*Gazette of Pakistan*, 4 July 1961, Extraordinary, p. 1075) (*L.S.* 1961—Pak. 1).

Section 9 of the Factories Act provides that, prior to the beginning of work in any new or seasonal factory, the occupier must notify prescribed information to the inspector in writing. Other provisions lay down general health and safety standards which must be maintained in factories and establishments covered by the Act. However, the submission of plans for new establishments, plants or processes of production is not required.

Works committees composed of employers' and workers' representatives have been set up, in conformity with the Industrial Disputes Ordinance, in industrial undertakings employing 50 or more workers. These committees are responsible for the adoption of measures for safety and the prevention of accidents as well as for the general welfare of employees.

Tripartite bodies such as the Standing Labour Committee and the Pakistan Tripartite Labour Conference at the national level, and the provincial labour boards at the provincial level, advise the central Government and the provincial governments on labour matters and policy. However, there is no statutory provision requiring the representatives of workers and employers to collaborate directly with the labour inspectorate. Nor is there any elaborate system of giving advice to employers and workers as envisaged in the Recommendation.

Inspectors do not act as conciliators or arbitrators in proceedings concerning labour disputes.

Annual reports are published which contain most of the information required by Paragraph 9 of the Recommendation. The provincial labour departments are responsible for the supervision of the application of the various labour laws.

RECOMMENDATION No. 82

For legislation see under Recommendation No. 81.

A system of labour inspection is provided for under the Mines Act in West Pakistan. There are no mines in East Pakistan.

The supervisors of railway labour have been appointed as inspectors for the purpose of enforcing the provisions of the Railway Act relating to hours of work and rest periods.

Conditions of work in the road transport industry are governed by the Road Transport Workers Ordinance, 1961. This ordinance provides for the appointment of the necessary inspectors.

As in the case of Recommendation No. 81, the provincial labour departments are responsible for the supervision of the various labour laws, including the Railways Act and the Road Transport Workers Ordinance.

All the provisions of the Recommendation are covered by the existing laws.

Peru

RECOMMENDATION No. 81

Decree of 23 March 1936.

Decree No. 09 of 30 September 1953.

Decree of 8 February 1956.

Legislative Decision No. 13284 of 15 December 1959 to ratify Convention No. 81.

Act No. 15060 of 19 June 1964.

Sections 105 to 109 of the decree of 23 March 1936 lay down rules for inspection visits.

According to these rules a special card must be supplied to persons responsible for inspecting workplaces. It is not necessary to give advance notice to employers of inspection. Persons inspecting workplaces are required to contact the employer or his representative. As far as possible inspection should not interrupt the normal progress of work at the workplace. The inspector is required to draw up a report on the results of his visit and to forward it to his superior.

Decree No. 09 makes it obligatory for employers to obtain permission from the labour authorities before starting their activities. Such permission is granted after the authorities have assured themselves that the workplace meets the requirements for compliance with the legislative provisions.

Section 3 of the decree of 8 February 1956 provides for periodic meetings between employers and workers.

The labour authorities responsible for the enforcement of the provisions relating to inspection are, at the national level, the Inspection Division of the Directorate-General of Labour and, at the regional level, the inspection services of the regional labour directorates.

The committee appointed under Act No. 15060 of 19 June 1964 is preparing a Labour Code which will include additional provisions designed to give full effect to the Recommendation.

RECOMMENDATION NO. 82

The provisions respecting the inspection service are applied throughout the country and cover all economic activities.

See also under Recommendation No. 81.

Philippines

CONVENTION NO. 81

RECOMMENDATION NO. 82

Minimum Wage Law, Act No. 602 of 6 April 1951 (*Official Gazette*, Apr. 1951, Vol. 47, No. 4, p. 1666) (*L.S.* 1951—Phil. 1), as amended.

Industrial Safety Law, No. 104 of 29 October 1936 (*Official Gazette*, 1937, p. 443).

Act No. 2714 creating the Women and Minors Bureau.

Administrative Regulations—Chapter on Inspection of Bureau of Labour Standards.

The Department of Labour maintains a system of labour inspection in industrial and commercial workplaces, including mining and transport, under the technical and functional supervision of headquarters entities but administratively supervised by regional administrators.

Inspectors are appointed and serve under the civil service rules and regulations. They undergo theoretical and on-the-job training. Section 18 of the Minimum Wage Law, as amended, contains provisions which comply with Article 15 (a) of the Convention.

The country is divided into 12 regions, and each regional office appears to have sufficient personnel, composed of chief inspectors, safety engineers and labour agents (inspectors); the over-all strength amounts to 207 persons. The central office is located in Manila and all inspection activities for the country come under the Secretary of Labour.

Labour inspectors and safety engineers have all the powers provided for in Articles 12 and 13 of the Convention.

Persons who contravene the provisions enforceable by labour inspectors are liable to prompt legal proceedings; adequate penalties are provided for violation of these provisions, and for obstructing labour inspectors in the performance of their duties.

Labour inspectors are required to submit reports to the Department of Labour on their monthly activities, covering establishments visited, violations and wage restitutions, if any. The Department, in turn, reports these statistics to the Office of the President.

The Department maintains close liaison with other government entities having functions relevant to labour inspection. Through labour-management conferences employers' groups are apprised of the Department's inspection programme.

Legislative proposals have been made to Congress to give effect to those provisions of the Convention not yet covered by existing legislation or practice. Unfortunately the Bill has still to pass through Congress.

RECOMMENDATION NO. 81

The Department of Labour, through its headquarters entities and regional and provincial offices (field services), ensures the application, administration and enforcement of labour laws. The Secretary of Labour is the head of the Department. At the regional level the labour administrator is responsible for all labour services and activi-

ties in his region, under the authority of the Secretary of Labour, through the Director of Field Operations.

In connection with the industrial safety laws and implementing rules and regulations an Industrial Safety Week is celebrated every year with the aid of national, regional and provincial committees organised on a tripartite basis.

Safety committees are required to be organised in industrial establishments and are composed of representatives of management and labour. These committees operate throughout the year with the assistance and supervision of regional labour personnel.

There are periodic labour-management conferences in which business leaders and labour unions participate for the purpose of discussing problems of mutual interest.

The labour administrators and heads of provincial offices hold frequent meetings with representatives of management and labour leaders, not only to conciliate and mediate in labour disputes but also to promote better relationships between the two groups.

No steps to give effect to the provisions of the Recommendation are contemplated because it is felt that the present statutes are adequate.

Poland

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Act of 4 February 1950 respecting the social inspectorate of labour (*Dziennik Ustaw (D.U.)*, 28 Feb. 1950, No. 6, text 52, p. 67) (*L.S.* 1950—Pol 1), as amended (*D.U.*, 6 Apr. 1965, No. 13, text 91).

Decree of 14 August 1954 respecting the state inspectorate of health (*D.U.*, No. 37, text 160).

Decree of 10 November 1954 transferring to the trade unions certain responsibilities as regards the enforcement of occupational safety and health legislation and labour inspection (*D.U.*, 18 Nov. 1954, No. 52, text 260), as amended (*D.U.*, 25 Apr. 1960, No. 20, text 119, and 6 Apr. 1965, No. 13, text 91).

Act of 31 January 1961 respecting technical supervision (*D.U.*, 9 Feb. 1961, No. 5, text 31).

Notices of the Chairman of the Council of Ministers of 27 April 1961 respecting the promulgation of a consolidated text of the Decree of 6 May 1953 respecting mining law and a consolidated text of the Decree of 21 October 1954 respecting mining offices (*D.U.*, 10 May 1961, No. 23, texts 113 and 114).

Order of the Minister of Health and Social Welfare of 19 November 1962 respecting the organisation and functions of the therapeutic and prophylactic institutions of the industrial health service (*D.U.*, 24 Nov. 1962, No. 60, text 293).

Act of 30 March 1965 respecting occupational safety and health (*D.U.*, 6 Apr. 1965, No. 13, text 91).

Supervision of the enforcement of the labour legislation is the responsibility both of trade union bodies and of state bodies in accordance with the system described below.

The labour inspectorate, which carries out its duties under the general direction of the Central Council of Trade Unions, has competence under the decree of 10 November 1954, in respect of all workplaces or—in the terms of the 1965 Act—in respect of every corporate body or organisation carrying on in an independent manner an industrial activity, an activity providing services or any other activity (undertakings, co-operatives, farms, offices, institutions, social organisations, scientific establishments, teaching establishments, etc.). The requirements concerning work-

places also apply to every individual employing a worker. The provisions of the above-mentioned decree are applied without exception.

The duties of the labour inspectorate have been increased by the Act of 1965. It supervises the application of all the labour legislation, including the provisions concerning labour relations, vocational training, safety and health, hours of work, holidays, remuneration and the work of young people and women.

The office of labour inspector may be held by any person who has completed secondary or higher education, whether technical, medical, or legal, and passed an examination held by a board set up by the Central Council of Trade Unions. Permission to sit for this examination is preceded in every case by suitable training—including technical, legal and medical elements—given at the labour inspection school, which trains about 4,000 persons a year (including social inspectors, who are required to have an adequate knowledge of the technical problems of a given establishment). The candidates then follow a course lasting a few months under the supervision of experienced labour inspectors and, once accepted, they are employed under contracts of indeterminate duration.

The number of labour inspectors serving at present is about 640. Women are equally eligible as men for posts of inspector, but the number of women inspectors at present is only just over 50.

The labour inspectors operate from the principal towns of the voivodeships and supervise the establishments of given sectors of activity in the corresponding locality, under the direction of the labour inspectorate for the voivodeship. In addition this inspectorate employs occupational safety and health experts and specialists in labour law. The Central Institute for Labour Protection and the institutes of industrial medicine also collaborate with the inspectorate.

Labour inspectors belonging to the trade union executives in each branch of industry and the ministries, in particular, play an active part in formulating safety and health regulations for the various branches of industry, as well as plans for improving working conditions and safety and health education programmes.

At the national level the Principal Inspectorate of Labour, attached to the Central Council of Trade Unions, is responsible for supervising the technical and legal protection of labour, drawing up programmes for the improvement of working conditions, co-ordinating the publication of occupational safety and health regulations, etc.

Under the decree of 10 November 1954 labour inspectors may inspect establishments at any hour of the day or night on presentation of their official card, demand to see any document necessary for their inspection, adopt measures to remedy any defects brought to light and order the cessation of work where there is imminent danger to the life and health of the workers, investigate the causes and circumstances of industrial accidents, give advice, in respect of safety and health, on plans for modernisation or for the building of new establishments, and take part in the work of the committees responsible for granting the authorisation necessary for the opening of new establishments.

Under sections 33 and 34 of the 1965 Act the management of the workplace is required to inform the inspector of all industrial accidents and occupational diseases.

Under section 10 of the decree of 10 November 1964 persons guilty of infringing the provisions of the labour legislation are liable to penal and administrative sanctions, which are imposed by the labour inspector himself. However, where fines exceeding 1,500 zlotys or imprisonment may be involved, the inspector submits the case to a "judicial board" attached to the trade union committees of the voivodeships and acts as prosecutor. If it is decided that imprisonment is called for, the board institutes proceedings before the court, and the inspector then assists or replaces the prosecutor. There is a right of appeal against the decisions of the "judicial board" to

an "appeals board". The instructions regarding these procedures are drawn up by the Central Council of Trade Unions with the agreement of the Chairman of the Labour and Wages Committee, the Minister for Home Affairs and the Public Prosecutor. These instructions also provide for penal and administrative sanctions for obstructing the labour inspectors in the exercise of their duties.

The inspectors prepare periodic reports on their work. The annual reports on the work of the inspection services are not published.

The labour inspectors are assisted in their work by technical social inspectors of labour, who are appointed by the regional trade union executives and chosen from among trade unionists who have undergone higher technical education (or secondary technical education supplemented by at least three years' working experience). These inspectors, who supervise establishments in the area where they live or work, or in neighbouring areas, are responsible for giving advice to the social inspectors of labour and the labour protection committees and for supervising the application of the social legislation and health and safety provisions. The technical social inspector of labour may inspect establishments at any hour of the day or night when work is being carried on and prepare inspection reports recording any defects or infringements noted.

The social inspectorate of labour, the functions of which are laid down in the Act of 1950, takes the form of a social service which is provided by the workers themselves within the workplaces. It supervises the application of the legal provisions, collective agreements and labour regulations at the establishment, workshop and group levels (the latter level meaning that of each trade union group in the establishment). The social inspectors of labour (of whom there are about 200,000 at present) may require the management of the establishment to give explanations, draw its attention to any defects observed and make written recommendations for remedying these defects within a given time limit. They take part in investigations into the causes and circumstances of industrial accidents.

With a view to ensuring continuous and systematic supervision by the workers, industrial safety "duty officers" for the day are appointed in the trade union groups, the shifts and the production groups, to educate their workmates. Their duties include inspecting workplaces before and after work for the detection of possible dangers, as well as making sure that their workmates use protective clothing and devices and that new workers, particularly adolescents, and also workers assigned to new duties, know what they have to do and are familiar with safe working methods.

Social inspections of working conditions are carried out periodically in accordance with the Act of 1965 by committees composed of workers belonging to the establishment. Their purpose is to study safety and health conditions, to check the implementation of plans for the improvement of working conditions and the expenditure involved and to draw up conclusions on the improvement of these conditions.

Social instructors in labour protection, who are appointed by the trade union works council from among the technical staff of the establishment, collaborate with the social inspectors in respect of technical matters and replace them in their absence.

These various forms of social supervision are intended to give the greatest possible number of workers a part in supervising the enforcement of the provisions on labour protection, and thus exercise a good influence on workers in respect of applying the safety and health provisions.

In addition to the labour inspection for which the trade union bodies are responsible, certain aspects of inspection are undertaken by state bodies.

The state inspectorate of health, the functions of which are laid down by the decree of 14 August 1954, supervises industrial health conditions. For this purpose state health inspectors have the same powers as the labour inspectors. In addition

they may order the adoption of measures aimed at removing the causes of occupational diseases, the carrying out of preliminary and periodical medical examinations and the transfer to other tasks of workers threatened by or suffering from occupational diseases.

The duty of inspecting health conditions in workplaces is shared among the institutions for preventive treatment coming under the industrial medical service. The 1962 order of the Minister of Health and Social Welfare deals with the organisation and functions of these institutions.

Under a decree of 21 October 1954 the functions of the mining offices include supervision of health and safety conditions in mining establishments. For this purpose the inspectors of the mining offices have the same powers as the labour inspectors.

The technical supervision office carries on its activities in accordance with the terms of the Act of 1961. It inspects steam generators, high-pressure tanks, acetylene generators and travelling cranes. The inspection is intended to ensure the proper technical condition and the proper operation of this equipment and so to avoid any possible danger to the workers who have to use it.

The above state bodies are only intended to reinforce the labour inspectorate, which bears the chief responsibility for the inspection of working conditions. It is for this reason that the Act of 1965 provides that the state bodies shall collaborate with the trade union authorities, the labour inspectors and the social inspectors of labour.

The legal provisions in force go beyond the standards of the Convention. Nevertheless, ratification is not contemplated, owing to the provisions of Article 6, which lays down that "the inspection staff shall be composed of public officials". In Poland the inspection staff is composed of trade union officials. Moreover, under a Socialist economy there would be no purpose in applying the provisions of subparagraphs (a) and (b) of Article 15 of the Convention.

Rumania

CONVENTION No. 81

RECOMMENDATION No. 82

Labour Code, Act of 30 May 1950 (*Scântea*, 31 May 1950) (L.S. 1950—Rum. 1), as amended by Decrees Nos. 90 of 18 February 1958 (*Buletinul Oficial (B.O.)*, 22 Feb. 1958, No. 9, p. 85) (L.S. 1958—Rum. 1), 266 of 19 July 1960 (*B.O.*, 21 July 1960, No. 12, p. 90) (L.S. 1960—Rum. 1) and 5 of 15 January 1964 (*B.O.*, 22 Jan. 1964, No. 1).

Penal Code (section 368).

Act No. 6/1962 (*B.O.*, 19 May 1961, No. 14).

Decree No. 834 of 5 November 1962 to organise labour protection (*B.O.*, 9 Nov. 1962).

Resolution No. 965 of 3 December 1954 of the Council of Ministers and the Central Council of Trade Unions to organise labour protection and health and epidemiological activities (*Colecția*, 4 Dec. 1964, No. 56).

The above-mentioned texts prescribe standards of labour protection—a question to which the Government attaches special importance.

The Ministry of Health and Social Welfare lays down general labour and health protection standards and determines the action to be taken for the prevention of epidemics. On the basis of these general standards the other Ministries and central organisations set safety standards for their own sectors.

State undertakings and institutions, co-operatives, and social or private organisations in all branches of the economy, including mining and transport, are bound to

observe these standards of protection having regard to the nature of the workplaces and the processes of production. The standards apply to all workers, whether wage earners or members of co-operatives, as well as to apprentices, pupils and students during their period of training in a production undertaking.

Enforcement of the labour protection legislation at all levels, ranging from the workshop and undertaking levels to the management level, is the responsibility of the persons who organise, direct and supervise production.

The Ministry of Education, together with other central bodies, is responsible for ensuring that instruction in labour protection is provided in technical schools and higher education establishments and that widespread publicity is given to safety standards. The labour protection and occupational health institutes of the Ministry of Health and Social Welfare or of the Academy engage in scientific research in this field.

The state labour protection and occupational health inspectorate supervises the enforcement of labour protection standards in all branches of the national economy.

This inspectorate consists of a central board in the Ministry of Health and Social Welfare which has general competence for the country as a whole, together with services which are responsible for the various regions, districts and towns. The labour inspectors are appointed, transferred or relieved of their functions by the Minister of Health and Social Welfare (on the recommendation of the executive committee of the appropriate people's council in the case of the local inspectors).

The inspectors check whether protective measures have been taken in workplaces and whether safety standards for tools and equipment have been observed. They investigate industrial accidents and the causes of occupational diseases, and ensure that instructions for the prevention and treatment of contagious diseases are carried out. They check on the use made of funds earmarked for labour protection and supervise the enforcement of social legislation respecting hours of work and rest, overtime, night work, the employment of women and young persons, etc.

In the discharge of their duties the inspectors are empowered to enter any establishment at any time and without prior permission, to require production of any document relevant to the discharge of their duties, and to order a temporary or permanent halt in any operations which are calculated to endanger the health of workers or the general public. They also have power to issue binding instructions to managements to remedy defects within a given time limit, to report breaches of the law and impose appropriate penalties on offenders.

Infringement of labour protection standards entails, as the case may be, disciplinary, administrative, penal, or financial liability.

The state labour protection and occupational health inspectorate may require Ministries and other central bodies, as well as the executive committees of the people's councils or other social organisations, to provide it with specialist assistance to check technical aspects of labour protection. The workers also participate in the supervision of the enforcement of legislation for the protection of labour.

Organisational changes in the labour inspectorate are now being prepared.

RECOMMENDATION NO. 81

Any undertaking or institution, irrespective of its nature, must, before beginning operations or moving to another locality, apply for permission to the state inspectorate of labour protection and occupational health. The inspectorate must also be consulted in connection with plans for new projects, choice of sites, the transfer or alteration of buildings of all kinds and the introduction of new technical processes or changes in existing processes.

Rwanda

CONVENTION No. 81

The labour inspection system in industry and commerce comes under the labour directorate of the Ministry of the Interior and Labour. The Director is assisted by a supervisor in respect of the Kigali prefecture. There are "labour liaison offices" in each prefecture, and their staff act as information officers.

The inspection staff is composed of civil servants (an inspector, a director of labour, a supervisor and information officers), some of whom have been chosen and appointed by the Ministry of Labour and trained at the Paris Institute of Advanced Studies for Students from Overseas Countries or at the Yaoundé Centre.

Certain employees of the labour liaison offices can become labour supervisors after completing a course at the Yaoundé Centre. These liaison offices will in due course probably have on their staff officials with powers of inspection. The inspection staff may call on the advice of experts and technicians if necessary.

The labour inspection service does not enjoy all the powers laid down in the Convention. The new Labour Code now being prepared will remedy this situation except that it has not been possible to include in it the right to enter workplaces by night.

The inspector may draw up a report and bring before the courts all persons infringing the social legislation. Obstructing inspectors in the performance of their duties is punishable by fines and imprisonment.

The preparation of periodic reports is not compulsory. The central authority is expected to publish an annual report, but in practice this does not happen regularly. Under the new administrative organisation there will be monthly reports from the liaison offices, weekly reports from the labour supervisor and quarterly and annual reports from the director of labour.

There are no workers' or employers' organisations in Rwanda.

Local conditions do not permit the strict application of the Convention. National legislation sometimes falls short of the Convention; it sometimes goes beyond it—for example by permitting the inspector to call on the police to escort to the premises of the inspection service any employer or worker who refuses to go himself.

The principles of the Convention have on the whole been incorporated in the draft Labour Code, particularly those concerning the powers of the inspectors. Ratification of the Convention will be proposed to the National Assembly.

RECOMMENDATION No. 81

The present legislation does not allocate preventive duties to the labour inspectorate. Nor does it provide for collaboration between employers and workers in regard to health and safety.

The functions of labour inspectors do include that of acting as conciliator in labour disputes.

The labour inspectorate has general responsibility in all matters relating to occupational health and safety.

The draft Labour Code makes provision for the issuing of an order to lay down, *inter alia*, the conditions governing the submission to the labour inspection service of plans for new establishments and to provide for the setting up of safety committees.

Under the draft the labour inspector will still have the role of conciliator, since the present courts have little knowledge of labour matters. A Bill on labour courts is under consideration. The adoption of this Bill would enable the labour inspectors to devote themselves fully to their inspection duties. The Minister will issue instructions for the drawing up of an annual report.

RECOMMENDATION NO. 82

Legislative Ordinance of 22 March 1965 concerning mines and quarries.

Prospecting and the working of mines come under administrative supervision as regards the public safety and health aspects. Mining officials are responsible for the application of the legislation, and have for this purpose the same powers as the labour inspector.

Every serious accident in a mine must be brought to the knowledge of the prefect and the director of labour.

There are no workers' or employers' organisations in the mining sector, but the mining companies keep their workers informed with regard to safety and health matters.

Mining and transport undertakings come within the scope of the labour inspection service established in accordance with Convention No. 81.

Senegal

RECOMMENDATION NO. 81

Labour Code, Act No. 61-34 of 15 June 1961 (*Journal officiel de la République de Sénégal (J.O.R.S.)* 3 July 1961, No. 3462, Extraordinary).

Decree No. 62-0297 of 26 July 1962 governing establishments in which dangerous, unhealthy and arduous work is carried on (*J.O.R.S.*, 11 Aug. 1962).

General Order No. 9552/IGTLS/AOF of 24 December 1953 setting up under the supervision of the territorial inspector of social legislation and labour an advisory technical committee for the study of questions relating to occupational safety and health (*Journal officiel de l'Afrique occidentale française (J.O.A.O.F.)*, 9 Jan. 1954).

Local Order No. 2423/ITLS/SM of 28 April 1955 to prescribe rules for the setting up and functioning of joint medical and health services for several establishments.

Order No. 7762/SET of 8 December 1952 governing prospecting and the working of mines (*J.O.A.O.F.*, 20 Dec. 1952), supplemented by Orders Nos. 3564/IGTLS/AOF and 3565/IGTLS/AOF of 24 April 1956 respecting safety and health measures in mines (*J.O.A.O.F.*, 5 May 1956).

Order No. 15660/MFPT/DTSS/TMO of 17 September 1962 to prescribe rules for notifications respecting new establishments (*J.O.R.S.*, 20 Oct. 1962, No. 3556, p. 1695).

Under section 191 of the Labour Code any person proposing to open any kind of establishment or work site must give prior notice to the competent inspectorate of labour and social security. In addition the decree of 26 July 1962 classifies establishments where work of a dangerous, unhealthy or arduous nature is carried on in three categories, according to the degree of danger to health. Any person proposing to open an establishment belonging to the first or the second category must obtain prior authorisation. Applications, accompanied by the plans, are submitted to the Minister for Mines, who consults the labour inspectorate before granting permission.

Section 158 of the Labour Code provides for the setting up of an advisory technical committee under the Minister of Labour and Social Security for the purpose of studying occupational safety and health questions. Pending the issue of a decree implementing this section of the Code, the technical committee—which is tripartite—is functioning in accordance with the order of 1953. At the level of the undertaking the duties of staff delegates include ensuring the application of the provisions respecting occupational safety and health and social security, and recommending any necessary action in this connection.

Under section 211 of the Code any worker or employer may submit a written request to the inspector of labour and social security, his delegate, or his legal deputy, to settle on an amicable basis an individual labour dispute. Moreover, section 234

empowers labour inspectors to attempt conciliation in collective disputes. Section 239 provides that the Minister of Labour may appoint a labour inspector to arbitrate in a collective dispute.

Although not required by legislation, an annual report on the activities of the labour inspectorate is prepared by the Directorate of Labour and Social Security. Statistics of industrial accidents and occupational diseases are, however, prepared by the Equalisation Fund for Family Allowances and Industrial Accidents.

The labour and social security services are responsible, through the inspectors, assisted by labour supervisors, for securing the enforcement of the legislative provisions respecting labour, manpower and social security. They may require employers' organisations to ensure that their members comply with specific provisions. Moreover, workers' organisations may report any violation discovered by them to the inspectorate.

The Government is unable to accept the Recommendation because of the provisions prescribing, on the one hand, the consultation of the labour inspection service prior to the opening of any industrial, commercial or agricultural establishment, and, on the other, the exclusion of conciliation and arbitration from the functions of the labour inspector.

RECOMMENDATION No. 82

The technical supervision of safety in mines is the responsibility of the technical personnel of the mines service, who, for this purpose and within the limits of this responsibility, have the powers of labour inspectors. The labour inspectors may, at any time, accompany the officials of the mines service on their inspection visits (section 176 of the Labour Code). Transport undertakings are subject to the general system of labour inspection.

The Recommendation can be applied without any difficulty in Senegal.

The Government also refers to its first report on the Labour Inspection Convention, 1947 (No. 81), prepared for incorporation in Report III, Part I (*Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*), to be submitted to the 50th (1966) Session of the International Labour Conference.

Sierra Leone

RECOMMENDATION No. 81

Employers and Employed Act, No. 30 of 7 December 1934 (*L.S. 1934—S.L. 1*), as amended (*Laws of Sierra Leone*, 1960, Cap. 212).

Machinery (Safe Working and Inspection) Act (*ibid.*, Cap. 218), as amended by Act No. 20 of 1960 and Rules made thereunder.

Docks Regulation (Safety of Wharf Workers) Rules (*ibid.*, Cap. 217).

Workmen's Compensation Act, No. 18 of 8 July 1954 (*ibid.*, Cap. 219) (*L.S. 1954—S.L. 1*), as amended by Act No. 32 of 1962.

Workmen's Compensation (Notification of Injuries) Rules, 1955 (*Laws of Sierra Leone*, Cap. 219).

Section 4 of the Machinery (Safe Working and Inspection) Act makes provision for prior notification of the intention to install machinery on premises. Section 12 (1) (*f*) empowers inspectors of machinery to check such machinery to ascertain whether it meets prescribed safety standards. Section 14 provides for a right of appeal against the decisions of inspectors.

Section 34 (1) of the Employers and Employed Act provides that, in every labour health area, employers shall submit in advance, to the competent authorities, for approval, block plans of areas on which it is intended to build giving details of proposed installations. Section 34 (2) empowers the competent authority to pull

down any work executed in contravention of the legislation and section 37 (1) provides for a right of appeal.

Joint consultation is ensured through the Ministry of Labour's Industrial Relations Section, and works committees in large establishments have been formed. These committees do not deal exclusively with safety and health matters but discussion of such matters is within their competence.

Labour inspectors obtain the full co-operation of employers' and workers' representatives where it is necessary to conduct inquiries into industrial accidents and occupational diseases.

A joint consultative committee has been established to advise the Government on labour policy and deal with the practical application of existing legislation and other matters, including the health and safety of workers. The committee is composed of equal numbers of employers and workers, with the Commissioner of Labour or his representative as chairman.

Notices received from the Wages Board are by law displayed in a prominent place on work premises. Young persons are provided with training and supervision before being allowed to work on any machinery. The I.L.O. has been of increasing help in promoting workers' education in Sierra Leone, and several seminars have been held under I.L.O. auspices.

Although there is an industrial relations officer who handles industrial disputes, the exigencies of the service sometimes make it necessary for labour inspectors to perform conciliation duties on a minor scale.

Annual reports of the Ministry of Lands, Mines and Labour and of the Ministry of Health meet the requirements of Paragraph 9 of the Recommendation with certain exceptions. The annual reports do not show the geographical distribution of labour inspectors. No women inspectors have been appointed except in the Ministry of Health.

The central authority for labour inspection is the Labour Division of the Ministry of Lands, Mines and Labour. However, the Mines Division is responsible for inspection of machinery. The Railway Department is responsible for the safety of boilers and the Ministry of Health undertakes certain inspections required under the Employers and Employed Act. Adequate collaboration is maintained between these various departments with regard to labour inspection.

No measures are contemplated at present to give effect to those provisions of the Recommendation not yet covered by national law or practice.

In view of recurrent staff difficulties it would be unrealistic to guarantee that labour inspectors will be completely excluded from conciliation functions.

For financial reasons it is not possible at present to augment the statistical units which would permit closer compliance with the provisions relating to annual reports.

RECOMMENDATION No. 82

For legislation see under Recommendation No. 81.

Mines workers other than workers employed by alluvial diamond dealers are protected as regards their conditions of work by the Mining Workers Wages Board.

The health standards of mineworkers are governed by the Employers and Employed Act. Their safety is provided for in the Machinery (Safe Working and Inspection) Act.

Road and rail transport workers are protected by the Joint Industrial Council for the Transport Industry, maritime (coastwise) workers by the Maritime Workers Wages Board, and waterfront workers by the Joint Industrial Council for the Port Industry.

The various Acts mentioned above in connection with mineworkers apply with equal force to workers in the transport industry.

Responsibility for labour inspection in the case of mineworkers and transport workers is distributed among the same departments as are mentioned in the summary of the Government's report on Recommendation No. 81.

No measures are contemplated at present to give effect to those provisions of the Recommendation not yet covered by national law or practice.

Alluvial diamond diggers employed by licensed diamond dealers are excluded from the scope of the Recommendation.

Singapore

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

Labour Ordinance, No. 40 of 29 November 1955 (*Laws of Singapore*, Vol. I).

Shop Assistants Employment Ordinance, No. 13 of 10 May 1957.

Clerks Employment Ordinance, No. 14 of 10 May 1957.

Factories Ordinance, No. 41 of 14 October 1958 (*Government Gazette*, 31 Oct. 1958, Supplement, No. 74), as amended by Ordinance No. 49 of 18 August 1959 (*ibid.*, 24 Aug. 1959), and Regulations made thereunder.

Industrial Relations Ordinance, No. 20 of 25 February 1960 (*ibid.*, 4 Mar. 1960).

Under sections 9 and 10 of the Factories Ordinance every person who intends to occupy or use any premises as a factory must obtain a certificate of registration from the chief inspector, who issues such a certificate once he is satisfied that the premises in question are suitable for the use intended. Violation of the provisions regarding registration of factories could result in a fine of 1,000 dollars, or three months' imprisonment, or both. Section 11 of the Factories Ordinance provides for the right of appeal against the decision of the chief inspector.

Enforcement of the Factories Ordinance is difficult in the case of substandard factories which were in existence before the promulgation of the Factories Ordinance. Modern factory conditions can be introduced only when these factories move to the new industrial estates to be located in various parts of the State.

Very few safety committees have been set up within undertakings or establishments.

Provisions for the health, safety and welfare of workers in factories are specified in the Factories Ordinance and enforced by factory inspectors. Encouragement is given to the establishment of safety committees in trades and industries. The factory inspectors collaborate with both employers' and workers' organisations. Hence conferences or joint committees specially organised to discuss questions concerning the enforcement of labour legislation are not necessary.

Direct contact between the inspectorate and employers and workers is encouraged for the purpose of giving advice and instruction with regard to labour legislation and questions of health and safety. Talks are given by factory inspectors and seminars have been organised by specific industries. Students attending technical and vocational schools are given instruction in workshop safety and the Education Ministry plans to organise a "safety week" in these schools.

Factory and labour inspectors do not act as conciliators or arbitrators in proceedings concerning labour disputes.

The information requested in Paragraph 9 of Recommendation No. 81 is contained in the annual reports of the Labour Department.

The legislative provisions and other measures relating to labour and factory inspection also apply to mining and transport undertakings. Apart from undertakings engaged in sand and stone quarrying there are no mining undertakings in the State.

The Commissioner of Labour is entrusted with the administration of the legislation and, in so far as factory inspection is concerned, he is assisted by a chief inspector.

The desired co-operation from workers' and employers' organisations is obtained by close contact between inspectors and such organisations.

The existing legislation and practice conform to a very large extent to the provisions of the Recommendations.

Spain

RECOMMENDATION No. 81

Act No. 39 of 21 July 1962 respecting the organisation of the labour inspectorate (*Boletín Oficial del Estado* (B.O.E.), 23 July 1962, No. 175, p. 10272) (L.S. 1962—Sp. 4).

Decree No. 2354 of 20 September 1962 respecting the mediation and conciliation functions of inspectors (B.O.E., 24 Sep. 1962).

Regulations of 13 July 1940 respecting the labour inspectorate (*Colección de Leyes de 1940*, p. 186).

Regulations of 21 December 1943 respecting labour delegations (B.O.E., Jan. 1944).

Order of 21 September 1944 to set up safety and health committees (B.O.E., 30 Sep. 1944).

Order of 20 May 1952 prescribing safety regulations for the construction industry (B.O.E., 15 June 1952).

Regulations of 11 September 1953 respecting works councils (B.O.E., 30 Oct. 1953).

Order of 9 February 1954 respecting the functions of works councils relating to safety and health (B.O.E., 19 Feb. 1954).

Spanish social legislation includes provisions laying down requirements for the opening and alteration of establishments and provisions respecting the setting up of safety and health committees on which both employers and workers are represented.

The labour inspectorate submits reports on questions relating to safety.

Paragraph 29 of the regulations of 13 July 1940 provides that the competent inspectors shall examine the plant in establishments before it is put into operation, in order to appraise the safety and health conditions and take measures for the protection of the workers.

Paragraph 35 of the regulations respecting labour delegations empowers the delegates to authorise the opening of workplaces, after the submission of a report by the labour inspectorate.

The order of 21 September 1944 provides for the setting up of safety and health committees in industries, according to the number of permanent employees. This order is supplemented by a special order for each industry. The safety regulations for the construction industry, for example, which were issued by the order of 20 May 1952, prescribe the setting up of safety committees in undertakings with more than 50 employees. Each such undertaking must have a safety officer responsible for the prevention of accidents.

Paragraph 47 of the regulations respecting works councils provides for the representation of employers and workers on these councils.

The order of 9 February 1954 prescribes the powers of the works councils relating to accident prevention, industrial safety and health and suitable working conditions, in connection with the setting up of the safety and health committees.

Paragraph 46 of the regulations respecting the labour inspectorate makes it compulsory for the greatest zeal and diligence to be observed in fulfilling the safety and health conditions as regards premises, plant, machinery, tools, etc.

The labour inspectorate assists employers in improving safety devices, and promotes care, attention and research.

Section 3 of Act No. 39 of 1962 gives the inspectorate advisory status in matters such as the observance of industrial safety and health standards (paragraph I (e)).

Section 3, paragraph IV, of the same Act provides that the inspectorate shall act as mediator in proceedings concerning collective labour disputes for the purpose of complementing the activities of the trade union bodies. Section 4 of Decree No. 2354 of 1962 assigns to the inspectorate duties of conciliation and mediation in collective disputes of any kind or description.

The Government attached to its report a summary of the activities of the inspectorate in 1963 and 1964.

The labour inspectorate is responsible for securing enforcement of the provisions respecting the opening of workplaces and the provisions respecting the organisation and functioning of the safety committees.

RECOMMENDATION No. 82

Mining and transport undertakings are subject to inspection (Act No. 39 of 1962 and the regulations of 13 July 1940). New regulations for the labour inspectorate are being prepared.

Labour inspection applies to undertakings generally, workplaces of every category and description, merchant ships and the fishing fleet. Consequently, mining and transport undertakings come within the competence of the labour inspectorate.

Besides this, the Corps of State Mines Engineers secures enforcement of the industrial safety rules in the mining industry (paragraph 2 (a) of the regulations of 13 July 1940). For this purpose (paragraph 4 of the same regulations) the mines engineers work in collaboration with the labour inspectorate.

Since workers in mining and transport undertakings come within the competence of the labour inspectorate, there is no need for special provisions to be adopted.

Sudan

CONVENTION No. 81

Employment of Children Ordinance, No. 3 of 30 June 1929 (*L.S.* 1929—Sudan 1), as amended, and Regulations made thereunder.

Shops, Trade and Factories (Weekly Closing) Ordinance, 1939, as amended in 1951 (*Sudan Government Gazette*, 31 Dec. 1951).

Workmen's Compensation Ordinance, 1948, as amended in 1951 (*ibid.*, 31 Dec. 1951), and Regulations made thereunder.

Employers and Employed Persons Ordinance, 1949, as amended by Act No. 42 of 1963 (*ibid.*, 16 Nov. 1963), and Regulations made thereunder.

Workshops and Factories Ordinance, No. 70, and Regulations, 1950, as amended in 1951 (*ibid.*, 15 Oct. 1951), and Orders, 1964, issued thereunder.

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

Shop Assistants Wages Tribunal Order of 15 August 1953 (*Sudan Government Gazette*, 15 Aug. 1953), Apprenticeship Ordinance.

Domestic Servants Ordinance, as amended by Act No. 41 of 1960 (*ibid.*, 15 Nov. 1960).

Mining and Quarries Ordinance of 15 June 1950.

Inspection of Boilers Order of 10 July 1912.

The system of labour inspection is maintained under the authority of the Commissioner of Labour.

Labour and factory inspectors are civil servants; they are assured of stability of employment and are independent of government changes and improper influences.

Only university or technical institute graduates are selected for appointment as inspectors, strictly on the basis of their over-all qualifications. A short training period is given to them before they assume their duties.

There are 16 factory and labour inspectors employed throughout the territory of Sudan. There are no technical experts or specialists in the inspectorates but technicians are provided by other government departments.

The powers provided for in Articles 12 and 13 of the Convention are conferred upon inspectors by virtue of the legislation listed above.

There are no regulations conforming to Article 15 of the Convention; however, since inspectors are civil servants they are required not to reveal trade secrets acquired during their term of appointment.

Persons who contravene the provisions of the labour laws are liable to legal proceedings. The Penal Code provides for penalties for obstructing inspectors from performing their duties.

Inspectors are required to forward to the Commissioner of Labour monthly and annual reports, which are consolidated into an annual report by the Commissioner. These reports cover the subjects enumerated in Article 21 of the Convention.

There is no special arrangement or provision for co-operation between inspection services and private or public organisations.

The field of factory inspection has recently been extended by the promulgation of orders.

Present legislation and practice is, in general, compatible with the provisions of the Convention, but all labour legislation is at present undergoing review and revision.

RECOMMENDATION No. 81

For legislation see under Convention No. 81.

According to local regulations official permission must be obtained prior to the establishment of an industry. The approval of the Commissioner of Labour is required prior to the erection of a new factory or the conversion of existing factory premises. Plans must be submitted by persons applying for a licence to construct or alter factory premises. A factory is legally defined as being a workshop employing 30 persons or more. Refusal of permission to proceed by the Commissioner of Labour is subject to the right of appeal to the High Court.

No specific measures have been taken to encourage collaboration between the inspectorate and workers' and employers' representatives. Safety committees do not exist.

Advice and instruction to employers and workers are given during inspection visits. There is an educational section of the Labour Department, and some booklets concerning safety and labour questions have been published.

In regional offices only (outside of Khartoum) the function of mediation in labour disputes is carried out by regional labour inspectors.

Much of the statistical information required by the Recommendation is included in the annual report of the Department of Labour.

Safety provisions are not applied to commercial workplaces except for stores and service stations.

RECOMMENDATION No. 82

For legislation see under Convention No. 81.

In the Sudan there are few mines which are exploited on a commercial basis. Thus no special legislation has yet been formulated in respect of mines.

The Commissioner of Labour is responsible for the supervision and application of relevant labour legislation.

In the case of transport undertakings all inspection is carried out by the Ministry of Transport and the traffic police. Inspection and maintenance of the equipment of the workshops of the Sudan Railway Department are the responsibility of the Department's own qualified engineers. The same technique is applied in the case of the air transport system. Railways, ships and air transport are state-owned.

In the private sector inspection of road transport undertakings is carried out by traffic engineers.

Transport employees in the public sector are regarded as government officials. In the private sector conditions of work are governed by the Employers and Employed Persons Ordinance and other applicable legislation.

Sweden

RECOMMENDATION NO. 81

Hours of Work Act, No. 138 of 16 May 1930 (*Svensk Författningssamling (S.F.)*, 20 May 1930, No. 138, p. 267) (*L.S.* 1930—Swe. 1), as amended by Acts Nos. 214 of 3 June 1938 (*S.F.*, 4 June 1938, p. 434) (*L.S.* 1938—Swe. 5B), 288 of 22 June 1939 (*S.F.*, 23 June 1939, Nos. 287-289, p. 757) (*L.S.* 1940—Swe. 1D), 77, 271, 755 and 767 of 1945, 241 of 2 June 1950 and 253 of 16 May 1957 (*S.F.*, 1957, p. 441).

Hours of Work in Bakeries Act, No. 139 of 16 May 1930 (*S.F.*, 20 May 1930, No. 139, p. 273) (*L.S.* 1930—Swe. 2), as amended by Act No. 202 of 26 May 1939 (*S.F.*, 3 June 1939, No. 202, p. 441) (*L.S.* 1940—Swe. 1B), in 1945, and by the Act of 28 May 1959 (*S.F.*, 1959, p. 298).

Statement of Weight Act, No. 55 of 11 March 1932.

Hours of Work in the Retail Trade Act, No. 652 of 18 July 1942, as amended by Acts Nos. 270 of 1945 and 255 of 16 May 1957 (*S.F.*, 1957, p. 447).

Workers' Protection Act, No. 1 of 3 January 1949 (*S.F.*, 12 Jan. 1949, No. 1) (*L.S.* 1949—Swe. 1), as amended by Acts Nos. 70 of 17 March 1950 (*S.F.*, 1950, p. 117) (*L.S.* 1950—Swe. 1), 100 of 18 March 1955, and 111 of 14 March 1958 (*S.F.*, 1958, p. 660).

Royal Proclamation No. 208 of 6 May 1949: Regulations under the Workers' Protection Act (*S.F.*, 19 May 1949, p. 397) (*L.S.* 1949—Swe. 4), as amended by Order No. 476 of 21 September 1956 (*S.F.*, 1956, p. 1023) (*L.S.* 1956—Swe. 3).

Instruction for the Workers' Protection Board, No. 645 of 15 November 1957 (*S.F.*, 1957, p. 1639), as amended in 1961 (*S.F.*, 1961, p. 253).

Instruction for the Labour Inspectorate, No. 646 of 15 November 1957 (*S.F.*, 1957, p. 1645).

Employers are not required to give advance notice of opening or taking over industrial or commercial establishments, as specified in Paragraph 1 of the Recommendation, but local supervision agencies must keep themselves closely informed of the establishment of new workplaces and inform the labour inspectorate. Although not obliged to do so, the local building committee regularly submits applications concerning building permits for factories to the competent labour inspector.

Due attention is paid to collaboration between employers and workers. The Swedish Employers' Confederation and the Swedish Confederation of Trade Unions have concluded an agreement concerning the organisation of local labour protection activities.

In each district an advisory body called the Council of the Labour Inspectorate is required to be established to promote collaboration between the labour inspectorate and employers and workers. The Council is composed of representatives of employers and workers, with the labour inspector as chairman.

Lectures, films, instructions concerning measures for the prevention of occupational hazards, etc., are provided through the intermediary of the Workers' Protection Board. The Board has participated in health and safety exhibitions and has supplied lecturers in connection with the instruction in industrial hygiene and safety which is given in technical schools.

Generally speaking the information required in Paragraph 9 of the Recommendation is supplied.

The Workers' Protection Board and, under its direction, the labour inspection officers and commune supervision representatives supervise the observance of the Workers' Protection Act. Special inspectors may be made responsible for certain types of business. The Board consists of a number of civil servants and of employers' and workers' representatives.

In addition to the information given above the Government refers to the report which it submitted under article 19 of the Constitution for the period ending 31 December 1955.¹

RECOMMENDATION No. 82

Mines are subject to supervision by the mining inspectorate. Transport undertakings are supervised by the labour inspectorate for land transport, the special inspectorate for civil aviation and, in certain respects, by the general labour inspectorate. Mining and transport undertakings are subject to the same legislation as that governing the protection of workers in other undertakings.

Switzerland

RECOMMENDATION No. 81

Act of 13 March 1964 respecting work in industry, arts and crafts and commerce (*Feuille fédérale*, No. 11, 19 Mar. 1964).

The above-mentioned Act, which will probably come into force in 1966, will apply to commerce in addition to industry and arts and crafts. Under the terms of section 8 only the building plans of industrial undertakings will have to be submitted for the approval of the competent authority, no prior notice being required for the opening of arts and crafts enterprises or commercial undertakings. The cantons, which act as the executive authorities, will only be required to present reports every two years, and the statistics will not be so frequently compiled or so complete as those required by the Recommendation. Consequently, it is not possible, at present, to accept the provisions of this instrument.

The Government also refers to the information contained in its reports of 1950² and 1955.³

RECOMMENDATION No. 82

Act of 19 December 1958 respecting road traffic (*Feuille fédérale*, 26 Dec. 1958, p. 1681).

Ordinance of 5 October 1962 respecting hours of work and rest for professional motor vehicle drivers (*Recueil officiel*, 1962, p. 1210), as amended by the Order of 29 December 1964.

The Government refers to the information already given in its reports of 1950⁴ and 1955.⁵ Since then the above-mentioned legislation has replaced the Act of 15

¹ See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1956), p. 43.

² See *idem*: op. cit., International Labour Conference, 34th Session, Geneva, 1951 (Geneva, 1951), pp. 71-72.

³ See *idem*: op. cit., International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1956), p. 44.

⁴ See *idem*: op. cit., International Labour Conference, 34th Session, Geneva, 1951 (Geneva, 1951), pp. 80-81.

⁵ See *idem*: op. cit., International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1956), p. 58.

March 1932 and the ordinance of 4 December 1933 on the same subjects. The new Act of 13 March 1964 on working conditions applies, *inter alia*, to mining undertakings, but it will be necessary to await the issue of the ordinances implementing the Act in order to assess to what extent the provisions of the Recommendation can be applied.

Syrian Arab Republic

RECOMMENDATION NO. 81

Labour Code, Act 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).

Social Insurance Code, Act No. 92 of 6 April 1959 (*Al-jarida al-rasmiya*, loc. cit., p. 28) (L.S. 1959—U.A.R. 2).

Decree No. 382 of 25 April 1946 giving effect to the Act respecting supervision of public health Order No. 465 of 4 July 1965 governing the organisation of labour inspection.

Preventive action in labour matters is the responsibility of various government departments. The creation of joint advisory labour committees (composed of equal numbers of employers and workers), as well as of joint advisory boards within undertakings, is prescribed. The bodies determine conditions of work and safety within undertakings. Social insurance institutions are required to promote collaboration between employers and workers with regard to the prevention of industrial accidents.

Labour inspectors are responsible for ensuring the enforcement of social legislation; they may bring offenders before the courts.

The labour inspection system is governed by the order of 4 July 1965. Section 19 of this order deals with the competent services of the Ministry of Health and the Ministry of Communal and Rural Affairs. The Ministry of Labour is responsible for supervising the application of the legislation.

The Government has decided to apply this Recommendation and does not desire any modifications to be made to it.

RECOMMENDATION NO. 82

Under section 212 of the Labour Code all workplaces are subject to supervision by the labour inspectorate.

The Ministry of Labour and Social Affairs is the central authority responsible for the inspection services. Trade unions collaborate with the Government in matters of social legislation by presenting complaints and making suggestions.

The national legislation conforms entirely to the requirements of the Recommendation.

Tanzania

Tanganyika

RECOMMENDATION NO. 81

Factories Ordinance, No. 46 of 16 December 1950 (*Laws of Tanganyika*, Cap. 297).

Accidents and Occupational Diseases (Notification) Ordinance, No. 25 of 14 October 1953 (*ibid.*, Cap. 330).

Employment Ordinance, No. 47 of 10 November 1955 (*ibid.*, Cap. 366) (L.S. 1955—Tan. 1), as amended in 1960 (L.S. 1960—Tan. 1) and 1962 (*Tanganyika Gazette*, 12 Dec. 1962, No. 66 Supplement, p. 379) (L.S. 1962—Tan. 2).

Mining Ordinance (*Laws of Tanganyika*, Cap. 123), as amended by the Mining Ordinance (Amendment) Act, No. 9 of 1964.

Regulation of Wages and Terms of Employment Ordinance (ibid., Cap. 300) (Government Notice No. 508, published on 21 December 1962).

Security of Employment Act, No. 62 of 10 December 1964 (*The United Republic of Tanzania*, 1964, No. 62, p. 373).

Paragraph 1 of the Recommendation. Labour inspection does not apply to commerce.

Section 9 (1) of the Factories Ordinance requires prior registration with the chief inspector of any premises to be utilised as a factory. Section 9 (3) makes non-compliance with this provision an offence.

Paragraph 2. Section 10 of the Factories Ordinance requires the submission of plans of an intended factory or appurtenance thereto to the chief inspector for approval before their execution.

Paragraph 3. Section 11 of the Factories Ordinance provides for the establishment of a factories appeal board for the purpose of hearing and taking a decision in respect of any appeals that may be submitted.

Paragraphs 4 to 6. Part II of the Security of Employment Act provides for the establishment of workers' committees in every business in which ten or more union members are employed. These committees advise the employer on the safety and welfare arrangements made for his employees; provide for one of their members to attend all statutory inspections carried out at the place of work; and investigate and report to the appropriate authority on any case of non-compliance with the provisions of applicable legal texts.

Paragraph 7. Section 61 of the Factories Ordinance requires that a prescribed abstract of the ordinance, as well as printed copies of any rules made under Part VII thereof, shall be posted in every factory. In addition the Government uses all means at its disposal to give adequate advice and instruction to employers and workers.

Paragraph 8. Due to the shortage of staff, labour officers or labour inspectors may be appointed to act as conciliators or arbitrators in proceedings concerning labour disputes.

Paragraph 9. The requirements of this Paragraph are given full effect in appropriate sections of the annual report of the Ministry of Labour.

The supervision of the application of labour legislation is the responsibility of the Labour Commissioner.

Part I of the Employment Ordinance provides for the establishment of a labour advisory board on a tripartite basis. The board is required to advise the Minister of Labour on matters within its competence under the ordinance and on any other matters affecting employment referred to it by the Minister.

To meet fully the requirements of the Recommendation considerable changes would be necessary, including a large increase in the inspectorate staff. Such an increase is not considered feasible in existing circumstances.

RECOMMENDATION NO. 82

For legislation see under Recommendation No. 81.

The powers and duties of mining inspectors are the same as those of labour inspectors. It must also be noted that the Mining Ordinance (Amendment) Act, 1964, provides that mining inspectors may take samples of substances found within an area which is the subject of a claim, lease or licence.

Workers' committees established by Part II of the Security of Employment Act, 1964, investigate and report to the appropriate authority on non-compliance with pertinent labour legislation and collective agreements.

The supervision of the application of the labour legislation is the responsibility of the Labour Commissioner.

The labour advisory board referred to under Recommendation No. 81 also deals with employment in mining and transport undertakings.

The Factories Ordinance applies only to workshops forming part of a transport undertaking and not to the undertaking itself. The considerations relating to inspection staff mentioned under Recommendation No. 81 are also relevant in respect of this Recommendation.

Zanzibar

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

No legislation exists to give effect to the Convention and the Recommendations.

The Convention has not been ratified since Zanzibar is largely an agricultural country having no heavy industry and only a very few light industries. In these industries the situation is such that acceptable standards of safety and working conditions can be ensured without recourse to extensive legislation and inspection. The Government is at present actively reviewing all the existing labour legislation with a view to promulgating new labour legislation.

Zanzibar has no mines and consequently Recommendation No. 82 is not applicable to it.

Togo

CONVENTION No. 81

Labour Code (Overseas Territories), Act No. 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. 567 of 20 May 1955 (*J.O.R.F.*, 21 May 1955, No. 121, p. 5060) (*L.S.* 1955—Fr. 3).

Decree No. 81 of 26 July 1957 respecting the organisation and operation of the Ministry of Labour and Social Affairs (*Journal officiel de la République autonome du Togo*, 16 Aug. 1957, No. 26, p. 551) (*L.S.* 1957—Togo 1).

Part VII of the Labour Code and the decree of 1957 establish the functions and powers of labour inspectors, whose competence extends to all undertakings employing wage earners. The labour inspectorate is directed by a chief inspector under the authority of the Minister of Labour.

A decree governing the status of inspection staff is under study. The staff consists of one chief inspector and three supervisors, and their duties are defined in sections 151 and 152 of the Code and in sections 8 and 9 of the decree of 1957.

In case of need, experts or technicians are invited to take part in the work of inspection. It is intended to set up regional inspection services.

By day, labour inspectors have free access to establishments under their supervision; by night they may enter establishments where collective night work is carried out. They may seek the advice of medical practitioners or other experts, by whom they may also be accompanied on their inspection visits.

Labour inspectors have the right, but not the obligation, to draw up summary proceedings and to refer cases directly to the judicial authority. They are required to report periodically to the Minister of Labour on their activities.

The labour inspectorate collaborates with other government services—for instance by calling upon the assistance of experts from other departments—as well as with employers and workers and their respective organisations through the different committees set up under the Ministry of Labour.

Tunisia

RECOMMENDATION NO. 81

Decree of 27 March 1919 promulgating regulations for dangerous, unhealthy or noxious establishments (*Journal officiel de Tunisie*, 2 Apr. 1919), as amended by the Decree of 30 December 1935 (*ibid.*, 23 Jan. 1936) and by the Decree of 30 December 1947 (*ibid.*, 1 Jan. 1948).

Decree of 6 April 1950 respecting health and safety and the employment of women and children in industrial and commercial establishments and in the liberal professions (*Journal officiel tunisien*, 11 Apr. 1950, No. 29, p. 577) (*L.S.* 1950—Tun. 1), as amended by the Legislative Decree of 14 March 1960 (*Journal officiel de la République tunisienne (J.o.)*, 11-15 Mar. 1960).

Decree of 6 August 1953 respecting labour inspection (*J.o.*, 11 Aug. 1953).

Decree of 20 September 1955 instituting industrial medicine (*J.o.*, 27 Sep. 1955).

Act No. 31 of 14 December 1960 organising labour relations within the undertaking (*J.o.*, 16 Dec. 1960), as amended by Act No. 61-17 of 31 May 1961 (*J.o.*, 2-6 June 1961).

Act No. 32 of 14 December 1960 respecting the notification of establishments (*J.o.*, 16 Dec. 1960).

Decree of 13 January 1962 governing staff representation within the undertaking (*J.o.*, 6-19 Jan. 1962).

Any undertaking employing wage earners on a permanent basis must be notified to the labour inspectorate in accordance with the procedure prescribed by the Act of 14 December 1960. Under the decree of 27 March 1919 prior authorisation is necessary for the opening of dangerous, unhealthy or noxious establishments.

Act No. 31 of 1960 has provided for works committees and staff delegates so as to ensure collaboration between employers and workers. In addition tripartite collaboration is ensured through the Labour Safety Committee created by the decree of 6 April 1950.

Labour inspectors do not act as arbitrators in labour disputes. Arbitration is the responsibility of the central authorities, while the governors are responsible for conciliation.

Inspectors are required to submit quarterly reports on the application of the social legislation referring, *inter alia*, to serious occupational accidents and their causes, the reasons for collective disputes, and all matters likely to promote economic development and the raising of living standards. They are required to compile statistics on conditions of work in the areas within their jurisdiction. The divisional labour inspector prepares an annual general report on the basis of these quarterly reports.

The labour inspectors and the labour supervisors are responsible for the enforcement of the social legislation under the authority of the Secretary of State for Social Affairs. The military authorities exercise powers of inspection in military establishments and bases; the Postal, Telephone and Telegraphic Services Department, the Department of Public Works and the Housing Department are responsible for the inspection of undertakings and work sites in their respective sectors. Industrial medical services are responsible for inspecting health and safety conditions.

No new measures seem necessary to give effect to the provisions of the Recommendation.

RECOMMENDATION NO. 82

Part IV of the Labour Code to be adopted deals with labour inspection in mines and transport undertakings. Inspection in these sectors is carried out by officials of the Social Affairs Department, but, as a transitory measure, labour inspection in transport undertakings is undertaken by officials of the Department of Public Works.

National legislation is in conformity with the Recommendation.

Turkey

RECOMMENDATION NO. 81

Labour Code, Act No. 3008 of 8 June 1936 (*Resmî Gazete (R.G.)*, 15 haziran 1936, No. 330, p. 6621) (*L.S.* 1936—Tur. 2), as amended.

Act No. 1593 of 24 April 1930 respecting public health (*R.G.*, 6 mayis 1930) (*L.S.* 1930—Tur. 1).

Act No. 3763 of 3 October 1940 respecting establishments working for the national defence.

Act No. 275 of 15 July 1963 respecting collective labour agreements, strikes and lockouts (*R.G.*, 24 July 1963, No. 11462, p. 6) (*L.S.* 1963—Tur. 2).

Act No. 440 of 12 March 1964 respecting state economic organisations and undertakings (*R.G.*, 21 Mar. 1964).

Regulations No. 15156 of 15 February 1941 respecting workers' safety and health.

Regulations No. 2/15592 of 14 April 1941 respecting the supervision and inspection of establishments managed directly by the State, the *Vilâyet* and the municipal authorities, as well as establishments the activities of which are closely connected with the national defence.

Regulations No. 3/7896 of 22 July 1948 respecting arduous and dangerous work.

Regulations No. 3/15556 of 12 August 1952 respecting measures to be taken in establishments where inflammable, explosive, dangerous and noxious substances are used.

Regulations No. 4/1272 of 5 August 1953 respecting the conditions of employment of expectant and nursing mothers, as well as day nurseries and feeding rooms.

Section 56 of the Labour Code and the provisions of the regulations of 15 February 1941 make it obligatory for any person who proposes to open an industrial or commercial establishment, or to take over such an establishment, or to install new processes of production in an industrial or commercial establishment, to submit for information to the labour inspectorate a detailed statement (including plans) on the establishment in question. The labour inspection service gives its authorisation for the operation of the establishment only after being assured that the necessary measures have been taken to guarantee the health and safety of the workers. The Ministry of National Defence is empowered to grant the necessary authorisation for private industrial establishments engaged in manufacturing arms and ammunition for military purposes. Inspection of such establishments is also carried out by inspectors responsible to the Ministry of National Defence.

Collaboration between employers and workers for the improvement of occupational safety and health is established voluntarily, particularly in undertakings in the public sector. Works safety committees discuss occupational safety and health problems from time to time with the labour inspection service. The boards of directors of the state economic undertakings established under the Act of 12 March 1964 include a workers' representative and thus ensure labour-management collaboration in the discussion of social problems and in seeking the solutions most closely allied to the interests of the workers, especially in the field of safety and health. It has been decided to include in the Bill establishing the Labour Code which is at present before the National Assembly a section under which any establishment employing more than a certain number of workers (to be fixed by the implementing regulations) is obliged to establish a health and safety committee.

The participation of representatives of the Ministry of Labour (including labour inspectors) in the conciliation procedure provided for by the Act of 15 July 1963 is not

incompatible with the provision of the Recommendation according to which labour inspectors should not act as conciliators or arbitrators in labour disputes, since the official designated to attend the conciliation meeting is only there as an observer and to inform the conciliation committee on technical points. Nor is the fact that an official of the labour inspection service may be chosen as a third mediator or private arbitrator contrary to the spirit of the Recommendation, since he is chosen not on account of his office but by reason of his qualifications and experience. The same applies to the presence of a labour inspector in the provincial court of arbitration on behalf of the Regional Director of Labour, who, under section 35 of the Act of 15 July 1963, is an *ex officio* member of the court.

Reports on the activities of the labour inspection service are published annually and contain the requisite information.

RECOMMENDATION No. 82

Act No. 144 of 1921 respecting the sale of the waste products of coal for the benefit of miners.
Act No. 151 of 10 September 1921 respecting the rights of the workers employed in the Heraclea coalfield (*L.S.* 1923—Tur. 1).

Act No. 3229 of 23 June 1937 respecting compliance with the international labour Convention (No. 45) concerning the employment of women in underground work in mines of all kinds.

Act No. 4268 of 17 June 1942 respecting prospecting and the working of mines.

Act No. 5690 of 13 November 1950 respecting compliance with the international labour Convention (No. 81) concerning labour inspection in industry and commerce.

Act No. 6379 of 10 March 1954 respecting employment at sea (*Resmî Gazete (R.G.)*, 20 Mar. 1954 No. 8663, p. 8742) (*L.S.* 1954—Tur. 4).

Act of 12 February 1963 providing for the strengthening of the Ministry of Labour (*R.G.*, 19 Feb. 1963).

Regulations of 26 March 1906 respecting mines.

Regulations No. 2/18562 of 11 August 1942 respecting health measures for miners employed in the Heraclea coalfield.

Regulations No. 2/20738 of 11 October 1943 respecting hours of work, as amended by Regulations No. 5/77 of 4 July 1960.

Regulations No. 4/922 of 28 May 1953 respecting labour safety measures in mines.

Regulations No. 6/2053 of 10 August 1963 amending paragraph 1 of Regulations No. 2/15592 of 14 April 1941 respecting the supervision and inspection of establishments managed directly by the State, the *Vilâyet* and the municipal authorities, as well as establishments the activities of which are closely connected with the national defence.

Ordinance No. 2608 of 1923 respecting the establishment of the Mine Workers' Union, as well as the welfare and relief funds for the miners of Heraclea, as amended in 1923 (*L.S.* 1923—Tur. 1), in 1932 (*R.G.*, 1932, No. 2116, p. 1531) (*L.S.* 1932—Tur. 2) and in 1936 (*R.G.*, 1936, No. 330, p. 6621) (*L.S.* 1936—Tur. 1).

Under sections 2 and 3 of the Labour Code work done in mines and quarries is covered by the provisions of the Code, and the provisions concerning labour inspection are therefore applicable to these sectors. The labour inspectors supervise working conditions, including occupational safety and health conditions, in mines just as in industrial and commercial establishments. The Act of 12 February 1963 provides the Ministry of Labour with the possibility of recruiting specialists, such as medical practitioners or engineers, to carry out inspections in mines where health and safety questions are of particular importance.

The provisions of the Labour Code do not apply to sea and air transport. However, the Act of 10 March 1954 respecting seafarers assigns responsibility for the inspection of sea transport to the labour inspection service. According to the Labour Code transport undertakings are considered as industrial undertakings and are consequently subject to labour inspection. The Regulations of 14 April 1941 determine the conditions for labour inspection in land transport undertakings.

New legislation at present in the course of preparation will fill certain gaps, particularly as regards air transport. According to the proposed provisions, lake and river transport will come within the scope of the Act of 10 March 1954 respecting seafarers.

Uganda

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Employment of Women Ordinance, No. 32 of 12 December 1931 (*L.S.* 1931—Ug. 2), as amended by Ordinance No. 1 of 5 February 1936 (*Laws of Uganda*, Cap. 85) (*L.S.* 1936—Ug. 1).

Employment of Children Ordinance, No. 18 of 1938, as amended by Ordinance No. 27 of 1946 (*Laws of Uganda*, Cap. 86).

Employment Ordinance, No. 13 of 30 April 1946, as amended by Ordinance No. 9 of 23 February 1955 (*ibid.*, Cap. 83) (*L.S.* 1955—Ug. 1A and B), and Rules made thereunder.

Factories Ordinance, No. 5 of 31 March 1952 (*Uganda Gazette*, 3 Apr. 1952), as amended by Ordinances Nos. 3 of 22 January 1953 (*ibid.*, 22 Jan. 1953), 7 of 25 February 1963 (*ibid.*, 26 Feb. 1963) and 10 of 22 June 1964; and Rules and Orders made thereunder.

Mining Ordinance (*Laws of Uganda*, Cap. 129) (Parts I (General), VII (Inspection and Accidents) and XI (Miscellaneous)).

Explosives Ordinance (*ibid.*, Cap. 226).

Electricity Rules (*ibid.*, Cap. 131) (Part III).

The general labour inspection system for the implementation of provisions relating to conditions of work and the protection of workers while engaged in their work applies to mining and transport undertakings. The Labour Commissioner supervises labour inspection, but those parts of the work that are undertaken by mines inspectors are controlled by the Commissioner of Mines. In addition an occupational health unit, headed by a senior medical officer, carries out research in the field of occupational hazards and provides technical knowledge in respect of the medical aspects of labour inspection.

There is a labour consultative council, composed of workers' and employers' representatives, which advises the Minister of Housing and Labour on all matters affecting labour policy and legislation and reviews the state of industrial relations and such problems relating to employment as may arise. There is also a tripartite factories advisory board which examines and provides advice on the safety and health aspects of working conditions in factories.

Ukraine

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Labour Code.

Regulations respecting public labour inspectors, approved on 21 January 1944 by the Presidium of the Central Council of Trade Unions (*Okhrana Truda i Technika Bezopasnosti*, 1963, p. 596).

Order of 17 August 1957 of the Presidium of the All-Union Central Council of Trade Unions respecting the transfer to the trade union councils of responsibility for the technical inspectors of the Central Committee of Trade Unions and for the insurance physicians of the trade union organisations (*Byulleten VTsSPS*, 1957, No. 16).

Rules of 17 January 1958 respecting the technical inspectors of the trade union councils (*ibid.*, 1958, No. 3).

- Order No. 875 of 11 July 1958 of the Council of Ministers respecting the government examination boards operating under the supervisory bodies responsible for occupational safety in industry and mines.
- Regulations of 15 July 1958 respecting the rights of factory, works and local trade union councils (L.S. 1958—U.S.S.R. 3).
- Regulations of 20 February 1959 of the Presidium of the Central Council of Trade Unions respecting public inspectors of labour protection in kolkhozes.
- Order of 4 September 1959 of the Presidium of the Central Council of Trade Unions to approve rules for the investigation and recording of industrial accidents (*Byulleten VTsSPS*, 1959, No. 17).
- Order No. 73 of 23 January 1962 of the Council of Ministers of the U.S.S.R. and the All-Union Central Council of Trade Unions, and Order No. 219 of 26 February 1962 of the Council of Ministers of the Ukrainian S.S.R. and of the Council of Trade Unions of the Ukrainian Republic respecting measures for the improvement of labour protection in undertakings and on construction sites.
- Regulations respecting the labour protection boards of factory, works and local trade union councils, approved on 4 October 1963 by the Presidium of the Central Council of Trade Unions.
- Order No. 727 of 10 July 1964 of the Council of Ministers of the Ukrainian S.S.R. to promulgate the Regulations of the State Committee of the Council of Ministers respecting occupational safety inspection in industry and mining.

Articles 1 to 4 and 22 of the Convention. The labour inspection system applies, without exception, to all undertakings, government services, institutions and organisations in industry, construction, transport, mining, commerce, telecommunications, agriculture, etc. The inspection system is operated by the State, by the trade unions and by workers' committees at the level of the undertaking.

Various state agencies are responsible for inspection: the health inspectorate of the Ministry of Health, the district, municipal and regional public health services and epidemic prevention services, the fire-prevention inspectorate, the inspectorate of occupational safety, the inspectorate of mines, and the safety and health sections of the various Ministries. The Public Prosecutor's Office also supervises the observance of all labour legislation.

In all branches of industry, including mines, technical inspection is carried out by the trade unions. The inspectors are directly responsible to the trade union councils.

The technical inspectors of railways, river transport undertakings and civil aviation are directly subordinate to the presidium of the competent trade union committee.

There are also labour protection sections in the regional trade union councils and at the national level.

Public supervision of labour protection is exercised by the public inspectors and by the labour protection committees of the factory, works and local trade union councils.

Article 5. Co-ordination and general supervision are ensured by the State Commission for Labour and Wages of the Council of Ministers of the U.S.S.R., the health inspectorates and the state service for technical supervision in industry and mining. The Council of Trade Unions of the Republic participates in the preparation of draft laws and government decisions relating to labour protection. The trade union councils, to whom the technical inspectors have been subordinate since 1957, secure the enforcement of labour legislation.

Articles 6 to 10. The technical inspectors of the trade union councils exercise direct supervision over industrial and other undertakings, work sites and the various institutions and organisations. These inspectors, who are independent of the undertakings which come under their supervision, carry out their duties in accordance with the legal provisions respecting labour protection and with the decisions of the Central Council of Trade Unions and the trade union councils. Male and female engineers

and technicians are eligible for appointment as technical inspectors. A total of 550 technical inspectors have been assigned to the various regions and districts, according to the size of the industries and the complexity of the processes used. Any person who has both undergone higher or secondary technical training and had practical experience of production work is eligible for appointment as a technical inspector. Technical inspectors are appointed and relieved of their functions by the presidium of the trade union council. Before appointment each candidate undergoes a thorough aptitude test, which is carried out by a special selection board. Every inspector must attend courses of further training organised by the trade union council.

Where necessary, a technical inspector may request the assistance of specialists, or of experts belonging to the specialised inspection services of the State.

The public inspectors of labour protection supervise the application of social legislation and of the provisions respecting occupational safety and health. Public inspectors are elected for a specified term from among the members of the trade union sections. They perform their duties on a voluntary basis outside their hours of work. At the present time there are more than 300,000 public inspectors. Persons belonging to the management of an undertaking and responsible for securing the enforcement of the safety provisions may not be elected public inspectors.

The labour protection committees, which are composed of wage-earning trade unionists, and of technicians and engineers, collaborate with the management of the undertaking in the improvement of working conditions, assist the public inspectors in the organisation of supervision, arrange lectures, etc.

Articles 12 and 13. The technical inspectors have the right to enter all undertakings freely, at any hour of the day or night, and all premises, on production of their inspector's card. They may require the production of any documents and request all explanations respecting occupational safety, and may give instructions of a binding nature to the management of the undertaking in order to eliminate any violation of labour legislation, and ensure that these instructions are complied with. Inspectors are empowered to take steps with a view to remedying defects observed or working methods which constitute a threat to the health or safety of the workers.

No technical inspector may investigate an industrial dispute, or be a member of a conciliation body.

Article 14. In the event of an industrial accident involving a number of persons, or a fatal accident, the director of the undertaking must immediately notify the technical inspector. The latter must personally carry out the necessary investigation without delay, and prepare a report. The report and the inspector's conclusions are transmitted to the trade union council, to the competent central committee and to the Public Prosecutor's Office.

Article 15. Technical inspectors may not perform any work remunerated by the undertakings under their supervision.

Articles 17 and 18. The technical inspectors may institute proceedings against persons who violate or fail to comply with their instructions or the legal provisions. They may impose fines on persons who violate the labour laws or the health and safety regulations. Judicial, administrative, disciplinary and pecuniary penalties are also prescribed for such offences. Any person who obstructs a technical inspector or a public inspector in the performance of his duties is liable to severe penalties.

Article 19. All activities of technical inspectors, including the programme of inspection visits to be carried out, are governed by quarterly plans, approved by the head of the labour protection section of the competent trade union council. Twice a year the inspector submits a report on his activities to the labour protection section of the trade union council concerned and furnishes the data at his disposal respecting

the labour protection measures applied in the undertakings which he has visited, as well as the successes and failures recorded. These data are compiled on the basis of reports submitted to the management and the trade union committees of undertakings, work sites, organisations, etc.

U.S.S.R.

CONVENTION No. 81

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Articles 1 to 4 and 22 of the Convention. The system of labour inspection applies to all industrial and commercial establishments, the mining industry, transport undertakings, agriculture, building, forestry, etc. Inspection is carried out by state services, the trade unions technical inspection service and the public labour protection inspection service.

The labour inspection services are responsible for supervising the application of social legislation and labour protection standards by the management and directors of undertakings.

State supervision is organised at the national level and at the level of the branch of activity concerned: The state supervisory bodies are the Public Prosecutor's Office, which is responsible for ensuring observance of the legal provisions, the State Commission for Labour and Wages of the Council of Ministers, the services of the Health and Epidemiological Division of the Ministry of Health and the State Committee for Technical Supervision in Industry and Mines. The supervisory bodies at the level of the various branches of activity comprise the services of Ministries and departments responsible for labour, wages and social protection questions.

The trade unions play an important part in the system of labour inspection. The Central Council of Trade Unions participates in the formulation of Bills and government decisions respecting labour protection, and it co-ordinates the activities of the trade unions connected with supervision of the application of labour legislation. Technical inspectors, who are responsible to the trade union councils, supervise the observance of all legislation, instructions and regulations concerning manpower protection and the life and health of the workers. Supernumerary inspectors assist the technical inspectors. They have the same rights as regular inspectors, but cannot impose fines.

Public supervision of the observance of social legislation is the responsibility, in the undertaking or workshop, of the labour protection committee of the local trade union council. Public inspectors are elected from among workers, engineers and technicians who have no administrative or economic functions. They perform their tasks voluntarily. They supervise the application of labour legislation and of measures for the prevention of industrial accidents and occupational diseases. The chief public inspector is a member of the factory, works or workshop committee and presides over the labour protection committee. He may bring the question of infractions of labour protection legislation to the attention of these bodies and he is empowered, with the agreement of the technical inspector, to give binding instructions to the management of the undertaking.

Articles 5 to 10. There is effective co-operation between the state supervisory services, the trade unions technical inspection service and the public labour inspection service. The independence of the inspection bodies is guaranteed by the procedure for their appointment and by the rights granted to them.

The state labour inspection services are responsible solely to the central Government. The Supreme Soviet appoints the Public Prosecutor, who, in turn, appoints the prosecutors under him. The Public Prosecutor's Office carries out its functions completely independently of local bodies. The President of the State Commission for Labour and Wages is appointed by the Supreme Soviet, while the Presidents of the State Committee for Technical Supervision in Industry and Mines are appointed by the Supreme Soviet of the Federated Republics. The state inspectors are required to have undergone specialised higher or secondary education and to have a good practical knowledge of the branch of industry concerned.

The technical inspectors of the trade union councils are independent of any external influences. They are appointed and relieved of their functions by the Presidium of the Council of Trade Unions of the Republic. They must have had a higher or secondary technical education, as well as practical experience. Both men and women are eligible for appointment.

The state labour inspection services have the right to enlist the help of specialists and experts.

The trade union bodies, which carry out the functions of supernumerary inspectors on a voluntary basis, frequently seek the assistance of engineers, technicians and skilled workers, who supervise the situation in the undertaking as regards occupational safety and labour protection.

The number of inspectors for each branch of industry is determined according to the number of workers employed in the branch concerned, the complexity of the production processes and the geographical location of undertakings. The number of technical inspectors is 3,300; there are 30,000 supernumerary inspectors. The number of public inspectors and members of labour protection committees amounts to 1,982,000.

Articles 11 to 18. Labour inspectors have the right to enter the premises of an undertaking at any hour of the day or night, on presentation of their inspector's card; they are entitled to require from the management the production of documents and information and explanations relating to labour protection problems, investigate infringements of occupational safety and health rules, give orders for the rectification of deficiencies in the field of labour protection and suspend operations in the event of imminent danger constituting a threat to the life or health of the workers. The trade union technical inspectors have at their disposal working premises where they are accessible to the workers.

Inspectors may not perform work for remuneration in institutions or undertakings under their supervision. Paragraphs (a) and (b) of Article 15 of the Convention are not applicable in a Socialist society, since all undertakings are public property or belong to co-operatives. Moreover, these undertakings do not have manufacturing secrets. Public opinion plays a decisive part in securing the enforcement of labour legislation. The workers openly discuss problems at general assemblies and study the measures to be taken to remedy defects observed. Any illegal action taken in respect of a worker who has expressed criticism is liable to punishment. Labour inspection bodies do their work in conditions of wide publicity and can only treat the source of a complaint as absolutely confidential if they believe this to be necessary in the interests of the case under consideration or at the express request of the worker.

Inspectors may initiate proceedings against persons who infringe the labour legislation or neglect to observe their instructions. The Penal Code contains special provisions concerning the responsibilities of these officials.

Articles 19 to 21. The state supervisory bodies report on their activities to the state authorities to whom they are responsible.

The Presidium of the Council of Trade Unions directs the work of the technical inspectors. The latter carry out their functions in accordance with a plan approved by the labour protection service or by the chief technical inspector.

The Government states that, in view of the economic and social framework in which the provisions of the Convention and the Recommendations are applied in the U.S.S.R., the existing labour inspection system guarantees the enforcement of the labour legislation more surely than do the provisions of the Convention and the Recommendations.

United Arab Republic

RECOMMENDATION No. 81

RECOMMENDATION No. 82

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).

Ministerial Order No. 97 of 1964 respecting the creation of industrial safety committees (*Industrial Egypt*, Oct.-Dec. 1964, Vol. 40, No. 4).

Law No. 384 of 1958 respecting prior authorisation for the opening of industrial and commercial establishments.

The above-mentioned Labour Code applies to all undertakings including mining and transport undertakings.

According to the above-mentioned law of 1958, prior authorisation based on health and safety factors is required from the administrative authority before opening a new establishment or taking over the operation of an existing one.

The Ministerial Order of 1964 provides for the establishment in undertakings of safety committees, on which employers and workers are represented.

Health and safety conferences and exhibitions have been held.

Labour inspectors are not required to perform other functions than that of labour inspection.

The annual reports prepared by the competent authorities include most of the items required by Recommendation No. 81.

United Kingdom

RECOMMENDATION No. 81

Explosives Acts, 1875 and 1923.

Petroleum (Regulation) Acts, 1928 and 1936.

Cellulose Solutions Regulations, 1934.

Cinematograph Film Stripping Regulations, 1939.

Factories (Luminising) Special Regulations, 1947.

Wages Councils Act, 29 July 1959 (7-8 Eliz. II, Cap. 69) (L.S. 1959—U.K. 2).

Radioactive Substances Act, 2 June 1960 (*Public General Acts (P.G.A.)*, 1960, p. 352).

Factories Act of 22 June 1961 to consolidate the Factories Acts, 1937-59, and certain other enactments relating to the safety, health and welfare of persons employed in factories (9-10 Eliz. II, Cap. 34).

Ionising Radiations (Sealed Sources) Regulations, 31 July 1961 (*Statutory Instruments*, 1961, No. 1470).

Offices, Shops and Railway Premises Act of 31 July 1963 (*P.G.A.*, 1963, Cap. 41), and Orders of 1964 made thereunder.

Notification of Employment of Persons Order, 1964.

Information for Employees Regulations, 1965.

Explosives Act (Northern Ireland), 1924.

Petroleum (Regulation) Acts (Northern Ireland), 1929 and 1937.
Cellulose Regulations (Northern Ireland), 1935.
Factories Acts (Northern Ireland), 1938, 1949 and 1959 (2 Geo. VI, Ch. 23).
Wages Councils Act (Northern Ireland), 1945 (8-9 Geo. VI, Ch. 23).
Shops Act (Northern Ireland), 1946.
Ionising Radiations (Sealed Sources) Regulations (Northern Ireland), 1962.

Paragraph 1 of the Recommendation. A person may not begin to occupy premises as a factory unless he has given advance written notice to the competent authority. In addition advance notice is required before commencing some specified classes of activity (such as the manufacture or storage of cellulose solutions, the use of radioactive substances, etc.). To manufacture or store explosives, a licence must be obtained from the Home Office. No premises may be used for any purpose involving the keeping of petroleum spirits or mixtures in amounts exceeding three gallons of petrol (other than for private use in a motor vehicle) without a licence from the competent local authority. The keeping or using of radioactive materials is subject to registration and to obtaining authorisation for the accumulation and disposal of waste. The beginning of operations in a mine, as well as the reopening of a mine or any change in the ownership of a mine or quarry, must be notified to the competent authority within a prescribed period. Notice must be given before starting to employ persons to work in office, shop, or railway premises.

Paragraph 2. In the case of factories the advice of the competent inspectors may be sought in advance by the occupiers or prospective occupiers of workplaces involving safety or health problems. In a few exceptional instances plans are required to be submitted to and approved by the inspectorate—for example building plans for a proposed cotton cloth factory or plans of premises to be used for the stripping and drying of cinematograph film. As regards other industrial establishments, plans are required to be submitted to the competent authority with a view to obtaining a licence in the case of premises to be used for the manufacture or storage of explosives or for the storage of petroleum spirit. In the case of mines and quarries inspectors must be consulted in connection with the use of internal combustion engines, steam boilers or locomotives below ground in special conditions, as well as in connection with the release of compressed air for ventilation at a mine, etc.

Paragraph 3. Although, in the case of factories, and of offices, shops and railway premises, the inspectors themselves do not have powers to order alterations to plans of establishments, plant or processes of production, a court of summary jurisdiction may, on complaint by an inspector, make an order prohibiting the use of premises or machinery, on health and safety grounds, under the Factories Act and the Offices, Shops and Railway Premises Act. The issue of a licence to manufacture or store explosives or petroleum spirits will not be recommended by the competent inspectors until such requirements have been complied with as they may think necessary for the safety of the workers.

Mines inspectors are empowered to order certain steps to be taken or alterations to be made for the purpose of securing the safety and health of workers. In some cases these powers are subject to appeal.

Paragraph 4. Arrangements at all levels in industry for collaboration between employers and workers are encouraged. Arrangements at the national level include the Industrial Safety Subcommittee of the National Joint Advisory Council and the Industrial Health Advisory Committee. In many undertakings there are joint committees and other consultative arrangements covering industrial health and safety matters.

Paragraph 5. Representatives of employers and workers are encouraged to collaborate with inspectors, in particular in inquiries into industrial accidents and occupational diseases.

Collaboration between the factory inspectorate and organisations of employers and of workers has for many years been promoted by a variety of arrangements. Formal arrangements include joint standing committees and joint advisory committees set up by the Government. There are at present committees covering all foundries, pottery, the cotton industry, drop-forging, wool, paper mills and power presses. There is frequent consultation between inspectors and employers' and workers' organisations as regards the Offices, Shops and Railway Premises Act.

Paragraph 7. Educational work is undertaken by the factory inspectorate by such measures as the issue of advisory publications and journals, the showing of films, and the maintenance of an exhibition at the Industrial Health and Safety Centre in London, as well as visits to technical colleges and schools.

Paragraph 8. Inspectors do not act as conciliators or arbitrators in industrial disputes.

Paragraph 9. The information requested by the Recommendation is given, with some exceptions, in annual reports of the Chief Inspector of Factories and of the inspectors of mines and quarries.

The Factories Act is administered in Great Britain by the Ministry of Labour and enforced by the factory inspectorate (except for some provisions under the responsibility of local and fire authorities) and the courts of law; in Northern Ireland the Factories Acts are administered by the Ministry of Health and Social Services.

In Great Britain the Mines and Quarries Act, 1954, is administered by the Ministry of Power and enforced by the mines and quarries inspectorate and the courts of law. In Northern Ireland mines and quarries legislation is administered by the Ministry of Commerce.

In Great Britain the Explosives Acts of 1875 and 1923 are administered by the inspectors of explosives at the Home Office; in Northern Ireland the responsible department is the Ministry of Home Affairs.

The Radioactive Substances Act, 1960, is administered in England by the Minister of Housing and Local Government, in Scotland and Wales by the respective Secretaries of State, and in Northern Ireland by the Minister of Health and Social Services.

Various authorities are responsible for administering the different provisions of the Offices, Shops and Railway Premises Act, 1963.

In Northern Ireland the Government has stated its intention of introducing a Bill along the lines of the Offices, Shops and Railway Premises Act, 1963.

The Government of the United Kingdom does not consider it possible to empower inspectors of factories to order alterations to plans for new plants or processes of production.

RECOMMENDATION No. 82

Regulation of Railways Act, 1871.

Metalliferous Mines Regulation Act (Northern Ireland), 1872.

Railways Employment (Prevention of Accidents) Act, 1900.

Coal Mines Act (Northern Ireland), 1911.

Motor Vehicles and Road Traffic Act (Northern Ireland), 1926-45.

Quarries Act (Northern Ireland), 1927.

Mines and Quarries Act of 25 November 1954 (2-3 Eliz. II, Cap. 70).

Minerals (Miscellaneous Provisions) Act (Northern Ireland), 1959.

Road Traffic Act, 1960.

In addition to the information given in its reports relating to the application of Convention No. 81 the Government provides the following information.

Wage Regulation Orders are in force prescribing statutory minimum remuneration and rates of subsistence and holidays with pay for certain categories of workers engaged in mechanical transport of goods by road. They are enforced by the wages inspectorate.

Legislation and other measures designed to promote public safety and health incidentally protect workers in transport undertakings to a considerable extent.

The hours of duty of drivers employed in road transport are limited, with a view to safety, under relevant legislation. Employers are prohibited from causing or permitting their employees to drive beyond the prescribed limits.

The Offices, Shops and Railway Premises Act, 1963, includes in its scope offices and shops in mines and in transport undertakings as well as railway premises.

Aden

RECOMMENDATION NO. 81

Factories Ordinance (Cap. 63).

While the existing ordinance gives effect to several of the provisions in Parts I, II, III, and IV of the Recommendation, a new and more modern Factories Ordinance is now in draft form. It is anticipated that this Bill will satisfactorily give effect to the provisions of the Recommendation.

Labour inspectors do not act as conciliators or arbitrators in proceedings concerning labour disputes.

Antigua

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

Labour Ordinance, No. 3 of 31 July 1950.

Factories Ordinance, No. 12 of 13 August 1957.

The Labour Ordinance empowers the Labour Commissioner to visit and inspect any premises in which workmen are employed and to investigate conditions of work.

The Factories Ordinance empowers inspectors to enter and inspect factories as regards the health, safety and welfare of persons employed therein, and to inspect certain plant and machinery.

In practice there is effective co-operation on inspection matters between employers and workers, but where necessary further action can be taken by joint meetings of representatives of employers and workers.

The existing legislation appears to provide for an adequate inspection service and, on the whole, the provisions of the Recommendations are applied satisfactorily.

Bahamas

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

Trade Union and Industrial Conciliation Act, No. 30 of 1958 (*Bahamas Acts*, 1958), as amended by Act No. 13 of 1965.

Authority for labour inspection rests with the Ministry of Labour. One inspection officer has been appointed. There is a joint advisory committee.

There is no intention at present of taking measures to give effect to those provisions of the Recommendations which are not yet met by national legislation or practice.

Basutoland

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

Employment Law, No. 16/64 of 13 March 1965 (*Government Gazette*, No. 3462, 26 Mar. 1965).

No legislative or administrative provisions or practical measures are yet in force regarding the matters dealt with in the Recommendations. However, the new Employment Law covers all these matters and the requirements of the Recommendations will be met when the law becomes operative.

Bechuanaland

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

Employment Law, No. 15 of 1963.

Works and Machinery Proclamation (Ch. 125).

The Employment Law, 1963, contains provisions regarding matters dealt with in the Recommendations, and the Works and Machinery Proclamation sets out the powers and duties of inspectors relating to mines. Labour inspectors may at all reasonable times enter and inspect any premises or vehicle used or intended to be used for or by employees. Inspectors may also take samples of materials, require the production of documents, and interrogate, either alone or in the presence of witnesses, an employer or any member of his staff.

It is hoped that with the anticipated increase of inspection staff this year more inspections will be carried out and that annual reports on inspection activities will be published.

The Labour Branch of the Ministry of Labour and Social Services is entrusted with the supervision and application of the relevant legislation and regulations.

It is planned to establish a labour advisory board soon.

Bermuda

RECOMMENDATION NO. 81

Employment of Children and Young Persons Act, No. 213 of 28 December 1963.

The above-mentioned Act provides for labour inspection to safeguard children and young persons in employment.

While various public health measures do not provide for labour inspection as such, inspectors of the Medical and Health Department are responsible for the enforcement of regulations at workplaces.

The Employment of Children and Young Persons Act provides for the appointment of "authorised officers" (section 1). Any authorised officer may require the employer or the parent or guardian of a child or young person to furnish such information relating to the child or young person as the officer may require (section 13). Authorised officers have powers to enter premises or go on board any vessel for the purpose of ascertaining whether there is any contravention of the Act, and in certain circumstances the powers of the officer may be enforced by warrant under

the hand of a Justice of the Peace (section 14). Employers are required to keep registers containing such particulars as may be prescribed (section 19).

There are no provisions with regard to giving notice to a labour inspectorate of the intention to open an industrial or commercial establishment, or otherwise facilitating the preventive duties of the labour inspectorate, as set out in the Recommendation.

The authorities responsible for the supervision of the Employment of Children and Young Persons Act are listed in section 1 of the Act.

The Labour Relations Officer performs the functions of a labour inspector and also those of a conciliator in proceedings concerning labour disputes.

The Act was the product of the Government's Labour Relations Advisory Committee, which was established in 1964. There is some collaboration between the competent authorities and employers and workers on the waterfront with regard to health and safety matters.

No new measures or modifications are contemplated in the near future.

RECOMMENDATION No. 82

There is no mining in Bermuda and there are no special provisions for labour inspection in either quarrying or transport undertakings.

British Honduras

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Factories Ordinance, No. 9 of 1942 (*Laws of British Honduras*, 1958, Vol. III).

Accidents and Occupational Diseases (Notification) Ordinance, No. 29 of 22 November 1952 (*ibid.*, Cap. 141).

Labour Ordinance, No. 15 of 31 December 1959.

Local Government (Revenues) Ordinance, 1959.

Section 6 of the Factories Ordinance, 1942, provides for the annual registration of factories by the Chief Factory Inspector, and section 9 requires every person, before starting construction of a new factory, to obtain permission from the Chief Factory Inspector, who must approve the design, dimensions, materials and safety devices to be used. It is possible to appeal against the decisions of the Chief Factory Inspector.

Provision also exists under sections 145 and 146 of the Labour Ordinance, 1959, for supervising through inspection the health, safety, sanitary and other aspects of arrangements made for the residence and employment of workers. The Local Government (Revenues) Ordinance, 1959, includes such provisions in respect of commercial establishments.

Machinery for joint consultation inside undertakings has been established to deal with questions of safety, health, housing, grievances, etc. Representatives of employers' and workers' organisations collaborate with the officials of the inspectorate. The Labour Department itself conducts labour and management seminars on various aspects of industrial relations.

Because of the small size of the Labour Department each inspector acts from time to time as a conciliator in labour disputes.

The statistics required under the Recommendation are published in the annual reports of the Labour Department.

Workers employed in mining and transport undertakings come within the scope of the Labour Ordinance, 1959.

Brunei**RECOMMENDATION No. 81**

Labour Enactment, No. 11 of 1954 (*Government Gazette*, 28 Feb. 1955, Supplement).

Trade Disputes Enactment, No. 6 of 1961.

In the present state of industrial development in Brunei it is not considered necessary to set up formal arrangements to comply with Paragraphs 1 to 3 of the Recommendation.

The one large industrial undertaking has an established safety department concerned with the investigation and prevention of accidents. Otherwise, industry is basically on a small scale and the improvement of health and safety conditions is largely the continuing responsibility of government agencies and is ensured through visits by labour inspectors.

In addition to the labour inspectorate the State Medical Officer and Health Officers have specific powers of inspection enabling them to work in co-operation with the Commissioner of Labour to maintain adequate standards of workers' housing and to ensure the provision of medical treatment to workers.

Labour inspectors do not act as arbitrators or, normally, as conciliators. However, the Commissioner of Labour may act as a conciliator or appoint a person so to act.

Arrangements will be made to obtain and publish in the future annual reports of the Labour Department the information listed in the Recommendation.

The Commissioner of Labour is responsible for the supervision of the enforcement of the Labour Enactment and the Trade Disputes Enactment.

RECOMMENDATION No. 82

The provisions of Labour Enactment No. 11 of 1954 are fully applied to mining and transport undertakings.

The system of labour inspection is placed under the supervision and control of the Commissioner of Labour.

Falkland Islands**RECOMMENDATION No. 81****RECOMMENDATION No. 82**

No legislation exists to give effect to the Recommendations. The very small labour force is supervised by agreement between employers and the Falklands labour federation. There are no mining or transport undertakings.

Fiji**RECOMMENDATION No. 81**

Ordinance to consolidate and amend the law relating to labour, No. 23 of 1 August 1947 (*Laws of Fiji*, 1955, Cap. 92).

Local Government (Towns) Ordinance, 1948 (*ibid.*, 1956, Cap. 98).

Factories Ordinance, No. 13 of 13 May 1957.

Town Planning (Amendment) Ordinance, 1958.

Employment Ordinance, No. 15 of 1964.

There is no provision for giving advance notice of the opening or taking over of industrial or commercial establishments, but labour inspectors have powers of entry

into workplaces under the Employment and Labour Ordinances. The Local Government (Towns) Ordinance provides for the approval of building plans and specifications before construction. Under the Employment and Factories Ordinances dangerous, unhealthy and unsafe establishments can be closed by an order made by the Commissioner of Labour or a labour officer or magistrate.

The labour inspectors on their visits of inspection give advice and distribute posters and pamphlets. An industrial training officer has recently been appointed.

Conciliation in labour disputes is not normally the function of the labour inspectorate.

RECOMMENDATION No. 82

Mining Ordinance (*Laws of Fiji*, Cap. 127).

Driving Records Regulations, 1955.

The labour inspectorate has powers under the above-mentioned legislation to enter and inspect mining and transport establishments, and to inspect records of driving hours.

Gibraltar

RECOMMENDATION No. 81

Employment of Women, Young Persons and Children Ordinance, No. 16 of 1932 (*L.S.* 1932—Gib. 1), as amended by Ordinances Nos. 5 of 1948 and 7 of 1952 (*Laws of Gibraltar*, 1959, Cap. 40).

Employment Injuries Insurance Ordinance, No. 10 of 1952 (*ibid.*, 1961, Cap. 147).

Regulation of Wages and Conditions of Employment Ordinance, No. 19 of 1953 (*ibid.*, 1963, Cap. 159).

Control of Employment Ordinance, 1956 (*ibid.*, 1957, Cap. 163).

Factories Ordinance, No. 12 of 1956 (*ibid.*, 1957, Cap. 170).

Conditions of Employment (Annual and Public Holidays) Order, 1958 (*ibid.*, 1963, Cap. 159).

Conditions of Employment (Omnibus Drivers and Conductors) Order, 1963 (*ibid.*, loc. cit.).

The Factories Ordinance requires notification of prescribed particulars concerning premises to be used as a factory to be sent to the Director of Labour and Social Security before occupation or use. The factory inspector inspects the premises to ascertain whether they meet safety and health requirements and may seek an order from a court of summary jurisdiction prohibiting their use until the necessary repairs or alterations have been made, or requiring the occupier of the factory to take such steps as may be specified in the order. Occupiers and prospective occupiers are encouraged to consult the factory inspector prior to construction or modification of premises to ensure that the prescribed requirements are satisfied.

Arrangements for collaboration between employers and workers for the purpose of improving health and safety conditions in employment are encouraged. However, enterprises in Gibraltar are generally too small to have special safety committees. The Admiralty Dockyard—the largest employer in Gibraltar—has a full-time qualified safety and welfare officer, who collaborates closely with the factory inspector. There is also close collaboration between the factory inspector and the Trade Union and Employees' Association on matters of safety and welfare. Pamphlets and posters explaining the Factories Ordinance and describing measures for the prevention of accidents and occupational diseases are distributed and displayed.

Because of the small size of the inspectorate, the inspector of factories combines his special safety, health and welfare duties with labour supply and other duties of labour inspection. The inspectors serve as secretaries and members of various official boards and in the course of their multifarious duties their employment on conciliation work in proceedings concerning labour disputes cannot always be avoided.

The annual report of the Department of Labour and Social Security contains much of the information called for in Paragraph 9 of the Recommendation.

The Director of Labour and Social Security is entrusted with the supervision of the application of the legislation and regulations. Advisory functions are included in the terms of reference of the Labour Advisory Board, which is comprised of equal panels of workers' and employers' representatives.

There is no present intention of adopting further measures to give effect to the Recommendation.

RECOMMENDATION No. 82

There are no mining undertakings in Gibraltar. Those parts of transport undertakings which are not factories are excluded from inspection under the Factories Ordinance.

Gilbert and Ellice Islands

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Labour Ordinance, No. 6 of 18 September 1957.

Part II of the Labour Ordinance makes provision for the preparation of statistics relating to labour conditions and for the inspection of places where workers are employed and housed.

Under the terms of Part II of the ordinance an administrative officer or authorised officer may inspect any place where workers are employed, require an employer to produce all documents relating to the conditions of employment of his workers and interview any person employed in an undertaking.

The Labour Ordinance is applicable to phosphate mining undertakings.

A committee including representatives of employers and workers meets regularly to discuss conditions of employment.

Grenada

RECOMMENDATION No. 81

RECOMMENDATION No. 82

There are no legislative or administrative provisions which give labour inspectors authority with regard to any matters dealt with in the Recommendations.

The island is mainly agricultural, with a few minor industries and no mines. Transport workers are mainly self-employed.

Plans for new establishments have to be approved by the Central Housing and Planning Authority, which may require alterations to be made before approval.

At this stage, therefore, it is not thought necessary to take any measures to give effect to the provisions of the Recommendations.

Guernsey

RECOMMENDATION No. 81

Health, Safety and Welfare of Employees Law, 1950.

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952.

Safety of Employees (Growing Properties) Ordinance, 1954.

The Quarries (Safety) Ordinance, 1954.

Safety of Employees (First Aid and Welfare) Ordinance, 1954.

Safety of Employees (Electricity) Ordinance, 1956.

Poisonous Substances Law, 1958, and Poisonous Substances Ordinance, 1962.

Safety of Employees (Woodworking) Ordinance, 1959.

Responsibility for labour inspection in various sectors falls mainly on inspectors of the States Labour and Welfare Committee.

Plans for the erection, extension or alteration of all buildings have to be submitted to the States Housing Authority, which refers to the Labour and Welfare Committee those relating to industrial premises in which there could be a threat to the health and safety of workers.

The Labour and Welfare Committee, which is composed of employers' and workers' representatives, is responsible for the administration of legislation relating to the health and safety of workers and for dealing with all matters pertaining to labour.

In a community where there are no large industrial or commercial undertakings relations between employers, workers and the inspectorate present no problems.

Current legislation and practice appear largely to satisfy the provisions of the Recommendation.

RECOMMENDATION NO. 82

There are no mining or transport undertakings in Guernsey. Sea and air transport undertakings are governed by the legislation and practice of the United Kingdom.

Conditions of work in domestic transport services are governed by negotiated agreements between representative organisations of employers and workers.

Because of the limited application of the Recommendation no further legislation appears to be necessary.

Hong Kong

RECOMMENDATION NO. 81

Factories and Industrial Undertakings Ordinance, No. 34 of 1955, as amended, and Regulations made thereunder.

Every factory, mine and premises or place in which a dangerous trade or scheduled trade is carried on must be registered before the first occasion on which any industrial process or operation is commenced. By administrative arrangements, plans for industrial buildings are sent by architects to the Labour Department for examination by the factory inspectorate and the granting of a certificate of registration. The Commissioner of Labour may, if he deems fit, order the adoption of special precautions in addition to any precautions required under the relevant legislation. There is, however, a right of appeal against such an order. Any violation of the legislation is liable to a fine of up to 5,000 dollars.

Advice and practical assistance are given concerning the creation of inter-establishment safety committees on which employers and workers are represented. The safety committees are associated with inquiries into accidents or occupational diseases carried out by the factory inspectorate. Safety talks and lectures are given in technical colleges, factories, trade unions and to other interested bodies. The Labour Department provides a secretary and meeting rooms for safety committee meetings; it distributes safety posters and literature, and organises health and safety exhibitions.

Members of the inspectorate do not take part in the settlement of labour disputes.

The annual reports so far published by the Commissioner of Labour contained all the information required under Paragraph 9 of the Recommendation except

statistics of occupational diseases. Under the amended ordinance such data will be included in future annual reports.

The Labour Department is entrusted with the enforcement of the Factories and Industrial Undertakings Ordinance and is responsible for the inspection of all industrial establishments.

RECOMMENDATION No. 82

Factories and Industrial Undertakings Ordinance, No. 34 of 1955, as amended, and Regulations made thereunder.

Mining Ordinance, No. 33 of 1954 (*Government Gazette*, No. 33, 27 Aug. 1954), as amended in 1960 (*ibid.*, No. 29, 12 Aug. 1960) (sections 46 to 50).

Mines (Safety) Regulations, 1954 (*ibid.*, No. 45, 15 Oct. 1954), as amended in 1963 (*ibid.*, No. 58, 13 Dec. 1963).

Section 7 (*b*) of the Factories and Industrial Undertakings Ordinance requires every mine to be registered with the Commissioner of Labour. The provisions of the ordinance and the regulations made thereunder relating to conditions of work and the protection of industrial workers are also applicable to mining operations and to transport undertakings.

The Commissioner of Labour, who is concurrently the Commissioner of Mines, is entrusted with the enforcement of the ordinances concerned. The Labour Advisory Board, which consists of an equal number of employers' and workers' representatives, is consulted on all proposed legislation, and in this way co-operation on the part of both employers and workers in the application of any labour legislation is achieved.

Jersey

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Act of the States of Jersey—Safeguarding of Workers (Jersey) Law, 1956.

Law No. 13 of 31 March 1965—An Act to amend the Trade Union and Industrial Conciliation Act, No. 30 of 1958.

There is very little industrial work undertaken in Jersey. There are no subterranean mines and a limited number of transport undertakings. However, the Government has enacted the Safeguarding of Workers (Jersey) Law, 1956, which deals with the subject of labour inspection in respect of various activities.

The Social Security Committee of the States of Jersey is entrusted with the supervision and application of the above-mentioned law.

It is not considered necessary to take any further measures to give effect to those provisions of the Recommendations not yet covered by legislation.

The Government's reports contain detailed information on labour inspection activities.

Isle of Man

RECOMMENDATION No. 81

Factories and Workshops Act, 1909 (Principal Act), as amended; Rules and Regulations made thereunder.

Employment of Women, Young Persons and Children Act, 1930.

Mines and Quarries Regulation Act, 1950.

Some of the matters dealt with in the Recommendation are covered by existing legislation. Plans of all new establishments are submitted for approval to the Plan-

ning Committee of the Isle of Man Local Government Board, the meetings of which are attended by a member of the labour inspectorate.

Labour inspectors do not act as conciliators or arbitrators in proceedings concerning labour disputes.

The Chief Inspector submits an annual report to the Local Government Board. This report covers the whole range of duties devolving upon the inspectorate, including brief details of the functions of labour inspectors.

The factories and workshops legislation is administered and enforced by the Local Government Board.

The complete revision of factories legislation is under active consideration to bring it into line with standards enforceable by the Ministry of Labour of the United Kingdom.

RECOMMENDATION No. 82

For legislation see under Recommendation No. 81.

The Lieutenant-Governor is the authority entrusted with responsibility for the legislation and regulations relating to mining and transport. It must be noted, however, that there are now no active mines in the Isle of Man. The Chief Inspector is empowered to secure enforcement of the legislation. Ministry of Transport inspectors from the United Kingdom have been lent to the island authorities for the inspection of railways.

The provisions of the Recommendation being covered by national law and practice, it is not considered necessary to take any special measures.

Mauritius

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Labour Ordinance, No. 47 of 1938 (*Revised Ordinances*, 1945, Cap. 214), as amended.

Workmen's Compensation Ordinance, No. 13 of 1931 (*ibid.*, Cap. 220), as amended.

Factories Ordinance, No. 42 of 1946.

Minimum Wages Ordinance, No. 36 of 1950.

Trade and Industries Ordinance, No. 65 of 1951.

Notification of the opening or taking over of a factory to the Ministry of Labour is required by law. All commercial establishments are subject to some form of licensing. All places of employment come within the purview of the labour inspectorate.

Under section 7 of the Factories Ordinance every person is required, before commencing the erection of a new factory, to apply in writing to the Commissioner for a permit.

The refusal of the Commissioner to grant a permit may, within 30 days of the notice of refusal, be the subject of an appeal. Any person who erects any new factory without first having obtained a permit shall be liable to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding three months.

At the national level the Labour Advisory Board, composed of equal numbers of representatives of the Government, employers and workers, takes cognisance of all labour matters.

All industrial accidents must be notified to the Ministry of Labour.

A government medical officer is about to take a diploma in industrial health. It is hoped in due course to institute lectures and radio talks on the subject of industrial safety and health.

Labour inspectors act as conciliators in labour disputes. Factory inspectors, on the other hand, perform no conciliatory functions whatsoever.

The annual reports of the Ministry of Labour provide all the information required by Paragraph 9 of the Recommendation except statistics on the number of inspection visits classified as to whether they were made by day or night, and the number of workplaces visited more than once a year.

Montserrat

RECOMMENDATION No. 81

RECOMMENDATION No. 82

There are no existing legislative or administrative provisions in the territory with regard to the matters dealt with in these Recommendations.

St. Helena

RECOMMENDATION No. 81

Factories Ordinance, No. 7 of 1937 (Cap. 35).

Factories Rules.

Factories Rules 3, 4 and 5 require persons who intend to erect factories to submit particulars of the site and the plans of the proposed building for approval by the Factories Board. The Board and the factory inspector are responsible for ensuring that the prescribed conditions are complied with.

There are only five small industrial establishments in St. Helena and a small Public Works Department mechanical workshop. Consultation on safety measures takes place as required, but there are too few workers to necessitate the establishment of formal safety committees.

The Factories Board does not issue a separate annual report. Relevant information is incorporated in the St. Helena biennial report.

No further measures are considered necessary or practicable in the island's present rudimentary state of industrial development.

RECOMMENDATION No. 82

There are at present no mining or transport undertakings in St. Helena or its dependencies.

St. Lucia

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Factories Ordinance, No. 8 of 27 December 1943 (*Laws of St. Lucia*, Ch. 106).

Wages Councils Ordinance, No. 1 of 6 February 1952.

Labour Ordinance, No. 34 of 1 December 1959.

Labour Regulations, No. 15 of 23 April 1960.

The Labour Regulations provide for an inspector to enter, inspect and examine workplaces. The inspector is also empowered under Part II of the Wages Council Ordinance to inspect records of wages.

There are two male labour inspectors employed in St. Lucia to assist the Labour Commissioner to enforce legislation in commercial establishments and industrial undertakings. Inspectors also perform conciliatory functions. They co-operate with other government departments. They also collaborate with employers' and workers' organisations.

Labour inspection is under the direct supervision of the Labour Commissioner, who is responsible to the Minister for Communications, Works and Labour.

Mining undertakings do not exist in St. Lucia.

The Government's report gives some details of labour inspection activities.

St. Vincent

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Employment of Women, Young Persons and Children Ordinance, No. 20 of 1935, as amended by Ordinances Nos. 14 of 1939 and 17 of 1952.

Accidents and Occupational Diseases (Notification) Ordinance, No. 24 of 18 September 1952.

Wages Councils Ordinance, No. 1 of 29 January 1953.

Factories Ordinance, No. 5 of 14 April 1955.

Wages Councils (Industrial Undertakings) Order (*Statutory Regulations and Orders (S.R. and O.)*, No. 25, 1958).

Industrial Workers Wages Regulations Order (*S.R. and O.*, No. 21, 1964).

Since there are no major industries, notification of the opening of industrial or commercial establishments is not given to the Department of Labour but to a competent authority. Inspection is carried out by two labour officers (a labour commissioner and a labour inspector), who inspect all undertakings at least twice a year.

There are no special committees to improve conditions affecting the health and safety of workers, but voluntary co-operation exists between the Department of Labour and employers' and workers' organisations. These organisations are given advice on labour legislation.

Because of limited staff, it is difficult to exclude conciliation or arbitration from the functions of the labour inspector.

The published annual reports include statistics of industrial accidents and convictions for violations of labour legislation.

No mining undertakings exist in the island.

At the present time it is not intended to take any measures to give effect to the provisions of the Recommendations not yet covered by national legislation.

Seychelles

RECOMMENDATION No. 81

RECOMMENDATION No. 82

There are no industrial or large commercial establishments or mines in the Seychelles. The duties of labour inspectors are performed by labour and welfare officers. It is not considered necessary to appoint labour inspectors at this time.

Solomon Islands

RECOMMENDATION No. 81

Labour Ordinance, No. 3 of 1960 (*Laws of the British Islands Protectorate*, 1961, Vol. I, Cap. 28), as amended by Ordinance No. 20 of 1964.

Workmen's Compensation Ordinance, No. 5 of 1952 (*ibid.*, Cap. 30).

Workmen's Compensation (Amendment) Ordinance, 1964.

Section 6 of the Labour Ordinance provides that every employer shall furnish to the Commissioner of Labour such information as may be prescribed. However, there is no requirement for an employer to give notice in advance of his intention to open or take over an industrial or commercial establishment. This part of the Recommendation will be mainly complied with if future developments lead to the promulgation of a Factories Ordinance.

A Labour Advisory Committee, consisting of employers' and workers' representatives, was formed in 1959. Moreover, the Labour Ordinance enables the High Commissioner to appoint boards to advise on labour matters. Joint consultative committees are encouraged, and there are four in operation. Personal contact between the inspectorate and representative employers and workers is maintained in the course of tours of inspection.

The function of labour inspectors is deemed to include that of acting as conciliator in proceedings concerning labour disputes. Section 7 of the Labour Ordinance makes provision for the Commissioner and other appointed officers to inquire into disputes as to wages or any other matter concerning employer-worker relationships.

The published reports of the Labour Department contain the information required by Paragraph 9 of the Recommendation.

The Commissioner of Labour, the district commissioners and district officers and an inspector are empowered to ensure compliance with the legislative provisions.

Proposals for the training of more labour inspectors and for the inclusion of more detailed statistics in the annual reports are under active consideration.

The terms of Paragraph 8 of the Recommendation cannot be applied at this time in the Solomon Islands.

RECOMMENDATION NO. 82

Labour Ordinance, No. 3 of 1960 (*Laws of the British Islands Protectorate*, 1961, Vol. I, Cap. 28), as amended by Ordinance No. 20 of 1964.

Shipping Ordinance (*ibid.*, 1961, Cap. 108).

According to the definitions contained in section 2 of the Labour Ordinances, mining and transport undertakings are deemed to be industrial undertakings for the purposes of labour inspection.

The definition of "worker" in section 2 of the Labour Ordinances does not include a seaman, but section 117 (1) (v) of this ordinance enables the High Commissioner to apply its provisions to seamen.

Southern Rhodesia

RECOMMENDATION NO. 81

Factories and Works Act, No. 20 of 1948 (Ch. 229) (*L.S.* 1948—*S.R.* 1).

Public Services Act (Ch. 68), as amended by Act No. 18 of 1956.

Mines and Minerals Act (Ch. 203).

Shop Hours Act, 1945.

The above legislation has been implemented by various regulations and government notices as well as by agreements between the National Industrial Council and various industrial sectors of the country.

Paragraphs 1 to 3 of the Recommendation. The Factories and Works Act covers some of the matters dealt with in the Recommendation. Thus Paragraph 1 is covered

by section 9 of the Act; Paragraph 2 is covered by section 10; and Paragraph 3 is covered by section 11.

Paragraph 4. Collaboration between employers and employees' organisations is encouraged by the inspectorate through the establishment of safety committees.

Paragraph 5. Representatives of workers and management and any other persons who can materially assist an inquiry or investigation into an accident are encouraged to do so (section 16 of the Factories and Works Act).

Paragraph 6. Collaboration between the inspectors and employers and workers is encouraged and facilitated through the assistance given in the establishment of joint committees.

Paragraph 7. Employers and workers are given lectures, posters, pamphlets and film shows on safety in industry by the inspectorate. There are also health and safety exhibitions and instructions on hygiene and safety in technical schools.

Paragraph 8. Industrial officers (conciliators) are appointed under separate legislation.

Paragraph 9. The Rhodesia Annual Report on Inspection Services covers items (b) (i), (c) (i), (d) (i), and (f) (i), (ii) and (iii).

Supervision of the application of the regulations is undertaken by officials of the Ministry of Labour.

RECOMMENDATION NO. 82

The Mines and Minerals Act provides for the appointment of inspectors (section 408); safety precautions against poisonous substances, and registers and particulars of employees (section 412); and regulatory powers under the Act (section 430 (2) (f) to (l)).

Government Notice No. 525 of 1962 provides for the mining health and sanitation of miners.

Supervision of the application of the legislation is undertaken by government inspectors and inspectors of the industrial council concerned.

It is not intended to give effect to those provisions of the Recommendation not yet covered.

Swaziland

RECOMMENDATION NO. 81

RECOMMENDATION NO. 82

Employment Proclamation, No. 51 of 28 August 1962 (*Official Gazette*, 7 Sep. 1962) (L.S. 1962—Swa. 1).

Mines and Quarries Bill, No. 10 of 1965.

Factories Bill, No. 16 of 1965.

Section 9 (2) of the Factories Bill provides for prior compulsory registration of factories with the Chief Inspector, who will be the Labour Commissioner responsible for administering both labour and factory inspection. Most establishments in Swaziland will be covered by this Bill.

No law requires the submission of plans of establishments to the Chief Inspector; however, it is expected to meet the requirements of this part of the Recommendation by administrative means.

Several large employers have established joint consultative committees which may discuss simple aspects of safety.

The standards laid down by the Recommendation in respect of collaboration of employers and workers with regard to health and safety will be aimed at as soon as the degree of development of workers' organisations and the staffing of the Labour Department permit.

Labour inspectors do not undertake arbitration or conciliation duties.

The Government states that the annual report supplied by it contains most of the information required under Paragraph 9 of the Recommendation and that it is planned to provide more details in future annual reports in respect of the items listed in subparagraph (c).

The Labour Commissioner is responsible for the administration of inspection services. Organisations of employers and workers are regularly consulted, through the medium of the National Joint Consultative Council, on current labour problems and on labour inspection matters.

The provisions of the Employment Proclamation are applied to mining and transport undertakings.

The Mines and Quarries Bill lays down safety standards for mining undertakings. Legislation dealing with road traffic as well as internal by-laws and regulations afford protection to workers engaged in transport undertakings.

United States

CONVENTION No. 81

Public Contracts Act, 1936, amended as of 1958 (41 *United States Code (U.S.C.)* 35-46).

Fair Labor Standards Act, 1938, amended as of 1963 (29 *U.S.C.* 201-219) (*L.S.* 1938—U.S.A. 1; 1949—U.S.A. 1A; 1955—U.S.A. 1; 1961—U.S.A. 1A, 1B, 1C, 1D).

The Convention is regarded as appropriate in part for federal action and in part for action by the states.

With regard to state inspection services, the Government refers to the report which it supplied for the period ending 31 December 1955.¹ In several of the states, which now number 50, including Alaska and Hawaii, the Federal Department of Labor has given assistance in connection with training courses covering various aspects of labour legislation.

The following information relates to the federal inspection service.

Articles 1 to 4 and 22 to 24 of the Convention. The Wage and Hour and Public Contracts Divisions of the Department of Labor are responsible for labour inspection in industrial and commercial workplaces. The legal authority of the divisions extends, under the Fair Labor Standards Act, to all employees engaged in interstate commerce or in the production of goods for interstate commerce, including employees of certain large enterprises so engaged, and under the Public Contracts Act, to all employees engaged in work on government contracts in excess of \$10,000 for the manufacture or furnishing of materials, supplies, articles, or equipment.

Certain employees engaged in particular occupations and industries are not covered by the Acts.

Other official duties not incompatible with their main functions are performed by labour inspectors.

Agreements exist with six states for the state inspectors to make safety and health inspections on behalf of the federal government.

¹ See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1956), pp. 22-24.

Article 5. Arrangements are made, so far as necessary and useful, for co-operation on the part of the divisions responsible for labour inspection with other government services, with public and private organisations and with employers and workers or their organisations.

Articles 6 to 8. The inspectors are civil service employees whose recruitment, status and conditions of service meet the requirements of Articles 6 and 7 of the Convention. Both men and women are eligible for appointment and special duties may be assigned to either when necessary.

Article 9. Technical experts are associated in the work of investigation and enforcement of health and safety conditions.

Articles 10 and 11. The number of inspectors is determined by budgetary limitations and with due regard to the importance and complexity of the duties to be performed. Local offices are suitably equipped and accessible to all persons concerned. Travel and incidental expenses are reimbursed to inspectors.

Article 12. The inspectors are provided with proper credentials and are empowered to enter freely without previous notice any workplace liable to investigation; to interview employers or their representatives and employees—the latter usually with privacy; to require the production of books, registers and documents and the posting of notices called for by law.

Article 13. The divisions' safety engineers, under the Public Contracts Act, are empowered to take steps with a view to remedying defects potentially dangerous to workers' health and safety. Where agreements have not been made for state action, the safety engineers are empowered to require alterations to installations or plants to be carried out within a specified time limit, or, in the case of imminent danger, measures to be taken immediately.

Article 14. The safety engineers are supplied with data on industrial accidents and occupational hazards.

Article 15. Labour inspectors are subject to the obligations laid down in this Article.

Article 16. Workplaces are investigated according to plan, as often and thoroughly as necessary.

Articles 17 and 18. Employers who violate or neglect to observe legal provisions enforceable by the divisions' inspection staff are liable to prompt legal proceedings. The inspection staff may recommend legal proceedings.

Articles 19 to 21. Inspectors are required to report daily on their activities. Regional offices submit reports to the national office, which publishes an annual general report dealing with the subjects mentioned in Article 21.

The Government refers to the report which it submitted for the period ending December 1955¹ and supplied revised texts of the relevant Acts and regulations as well as other documents in use relating to labour inspection.

RECOMMENDATION No. 81

The Government considers the Recommendation as appropriate in part for federal action and in part for action by the states. It refers to the report which it supplied for the period ending 31 December 1955² and also to the annual report of the

¹ See *idem*: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), op. cit., pp. 22-24.

² See *idem*: op. cit., p. 48.

Secretary of Labor, in which is included the report of the Wage and Hour and Public Contracts Divisions, for the fiscal year ended 30 June 1964.

Under the Fair Labor Standards Act no advance notice regarding the opening or taking over of industrial or commercial establishments is required except in respect of the employment of certain classes of persons such as learners or handicapped workers at less than the statutory minimum rates, for which a certificate of authorisation must first be obtained.

RECOMMENDATION No. 82

Federal Coal Mine Safety Act, 1952 (30 *United States Code (U.S.C.)* 451-483).

Interstate Commerce Act (49 *U.S.C.* 301-327).

Safety Appliances Acts (45 *U.S.C.* 1-16).

Hours of Service Act (45 *U.S.C.* 61-64).

Adamson Eight-Hour Act (45 *U.S.C.* 65-66).

Signal Inspection Act (49 *U.S.C.* 25).

Boiler Inspection Act (45 *U.S.C.* 22-34).

Safety Devices Inspection Act (45 *U.S.C.* 36).

Accident Reports Act (45 *U.S.C.* 38-43).

Transportation of Explosives and Other Dangerous Articles Act (18 *U.S.C.* 832).

Federal Aviation Act, 1958 (49 *U.S.C.* 1301-1505).

The Recommendation is considered as appropriate in part for federal action and in part for action by the states.

The Government refers to the report which it submitted for the period ending 31 December 1955.¹

With regard to mining the Bureau of Mines has the right, under the advisory powers conferred by Title I of the Federal Coal Mine Safety Act, to require, or to make, inspections of coal mines the products of which involve interstate commerce, to investigate safety and health problems, and to promote higher standards of protection through educational programmes and through studies made available to the mining industry.

The Federal Mine Safety Code's standards have been accepted under collective wage agreements which have been concluded between mine operators and the United Mine Workers of America and which include provisions for the establishment of joint industry safety committees.

Title II (prevention of major disasters in mines) of the Federal Coal Mine Safety Act empowers the Bureau of Mines to make inspections with a view to ensuring the enforcement of safety regulations in mines employing regularly 15 or more persons underground.

Provision has been made for joint inspections of mines by federal and state agencies and ten states have revised their coal-mining safety laws so as to bring them into conformity with federal standards.

The Government attached a copy of a chart prepared by the Bureau of Mines in 1963 describing the laws of the states relating to mines other than coal mines.

With regard to road transport the Interstate Commerce Commission prescribes and enforces the motor carrier safety and employee regulations, which cover qualifications for drivers, duty-time limitations, and safety requirements for vehicles and accessories. Persons violating the regulations are subject to prosecution and fines. Vehicles are also inspected en route, and if found to be in hazardous condition are immobilised until repaired.

¹ See *idem: Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), *op. cit.*, pp. 59-60.

With regard to rail transport the regulations prescribed and enforced by the Interstate Commerce Commission cover limitation of hours of service, overtime compensation, safety appliances and signalling requirements.

The Commission also investigates and makes reports and recommendations on accidents.

Locomotive boilers come under special inspectors who, in addition to making personal inspections, are responsible for ensuring that inspections are also made by the carriers in accordance with their instructions and under their supervision and control. Accidents occasioned by the failure of locomotive boilers must be reported by the carrier and investigated, and the findings may be made public.

Transportation of all explosives and other dangerous articles is also subject to safety regulations.

With regard to air transport the Administrator of the Federal Aviation Agency (F.A.A.), under the Federal Aviation Act of 1958, prescribes standards of safety, issues certificates for operations, service and employment in air commerce.

The requirements for eligibility for air operating certificates cover approved standards for maintenance and personnel and the provision of an organisational and technical manual to personnel engaged in operations involving large aircraft. Limitations of flight and duty times are prescribed for flying personnel; duty-time limitations are also prescribed for ground maintenance crews and aircraft dispatchers. The F.A.A. may make an inspection, test or examination at any time or place, and suspend or revoke all certificates issued under its authority, subject to appeal by the party affected to the Civil Aeronautics Board. The Board's order may in turn be subject to judicial review. Work contracts on construction projects are required, under the Federal Airport Act, to contain provisions on minimum wages, fringe benefits and equality of employment opportunity. Violations of these requirements may result in suspension or stoppage of federal grants. F.A.A. personnel may inspect any work or material and examine wage documents.

Accidents are investigated by the Civil Aeronautics Board which makes recommendations to the Administrator of the F.A.A. and which may publish its findings and conclusions if this is deemed to be in the public interest.

Yugoslavia

RECOMMENDATION No. 81

RECOMMENDATION No. 82

Act of 12 December 1957 respecting labour relations (*Službeni List (S.L.)*, 25 Dec. 1957, No. 53, Text 663) (*L.S.* 1957—Yug. 2), as amended by the Act of 28 December 1958 (*S.L.*, 7 Jan. 1959).

Decree of 4 April 1965 to promulgate the Act respecting occupational safety (*S.L.*, 15 Apr. 1965, No. 15, text 314).

Each workers' community is responsible for occupational safety. There are also specialised institutions responsible for the organisation and improvement of labour protection (sections 84 to 87 of the Act of 1965).

Sections 8 to 56 of that Act prescribe the measures for supervision of buildings to be used as workplaces, machinery, installations and equipment, as well as means of individual protection. Before granting permission for the construction or operation of such buildings or installations the competent authorities make sure that they comply with the health and safety requirements. Also, in the interest of occupational safety and health, undertakings must inform the labour inspectorate of their intention to start operating at least eight days before work begins. Failure to observe the safety

and health requirements, or to obtain prior authorisation for opening an undertaking, is punishable by fines ranging from 50,000 to 1 million dinars.

Labour inspectors are empowered to have defects observed eliminated or to prohibit work in dangerous areas of an undertaking or in the undertaking as a whole (sections 108 and 109).

Workers' councils supervise the application of the health and safety provisions, express opinions as to how to improve labour protection, take note of the reports of the labour inspector, etc.

The trade unions and economic chambers also deal with problems of occupational safety.

Workers' organisations are responsible for acquainting the workers with the safety rules to be observed in their work, as well as with measures of protection and safety devices. Training in this connection is also provided by specialised institutions.

The settlement of labour disputes is not included in the functions of labour inspection bodies (section 122).

The federal labour inspectorate publishes annual reports on occupational safety and labour inspection activities throughout the country (section 17).

The labour inspection system applies to mining and transport undertakings; nevertheless, a specialised service for the inspection of safety in mines (section 90) also exists and is required to collaborate with the general labour inspectorate (section 102).

The mining inspectorate draws up annual reports covering its field of activity (section 102 (2)).

Regulations for the implementation of the Act respecting occupational safety are in the course of preparation and will take into account the international standards on this subject. It will then be possible to envisage the acceptance of the Recommendations or of proposals for their revision.

Zambia

CONVENTION NO. 81

RECOMMENDATION NO. 82

Employment of Natives Ordinance, No. 56 of 23 November 1929 (*Laws of Northern Rhodesia*, Cap. 171) (L.S. 1929—N.R. 1), as amended by Ordinance No. 41 of 5 December 1930 (L.S. 1930—N.R. 3) and by Ordinance No. 30 of 1953.

Minimum Wages, Wages Councils and Conditions of Employment Ordinance, No. 23 of 1948 (*Laws of Northern Rhodesia*, Cap. 190), as amended by Ordinances Nos. 53 of 1953 and 27 of 1955.

Employment of Women, Young Persons and Children Ordinance, No. 10 of 10 April 1933 (L.S. 1933—N.R. 1), as amended by Ordinances Nos. 18 of 9 November 1936 (L.S. 1936—N.R. 1), 40 of 24 December 1938 (L.S. 1950—N.R. 1A) and 49 of 20 December 1950 (L.S. 1950—N.R. 1B).

Factories Ordinance (*Laws of Northern Rhodesia*, Cap. 193).

Factories (Safety) Regulations.

Mining Ordinance (*ibid.*, Cap. 91).

Apprenticeship Ordinance (*ibid.*, Cap. 187), and Regulations made thereunder.

Labour inspection services which comply with the requirements of Articles 1, 4 and 22 of the Convention are maintained under the authority of the Ministry of Labour and Social Development and the Ministry of Mines and Co-operatives. They supervise industrial and commercial undertakings, including mining and transport undertakings.

The staff engaged on inspection duties is composed entirely of officers of the Government, whose conditions of service are guaranteed by legislation and who are independent of improper external influences.

These officers are recruited in the same way as other civil servants. Inspectors of mines, machinery, factories and apprenticeship must be professionally or technically qualified before appointment. In-service training is provided for labour officers. Departmental training courses are also regularly conducted, and advantage is taken of courses of instruction given by the United Kingdom and the I.L.O.

The duties of the labour inspection staff are such as to comply fully with the principles and functions set out in Article 3 of the Convention.

Technical advice is obtained, if necessary, from other appropriate government departments.

All labour inspectors are provided with identity cards. Their powers, which are on the whole in conformity with the provisions of the Convention, vary according to the field to inspection.

The mines and factories inspectorates are provided with the powers necessary to enable them to comply with the provisions of Article 13 of the Convention under regulation 1903 of the Mining Regulations and regulation 7 of the Factories (Safety) Regulations.

Officers of the inspectorate may institute legal proceedings against persons who contravene statutory provisions. Penalties exist for obstructing the labour inspectorate in the performance of its duties.

Under administrative practice monthly inspection reports are submitted to the Labour Commissioner.

The Labour Department and the Mines Department publish separate annual reports, and copies are sent to the I.L.O. These reports cover items (a), (b), (d) and (f) of Article 21 of the Convention, while information under item (g) is published in the annual reports of the Pneumoconiosis Medical and Research Bureau and the Workmen's Compensation Commission.

The Ministry of Labour and Social Development and the Ministry of Mines and Co-operatives maintain contact as necessary in respect of all matters affecting their respective functions, and, if need be, they consult with other government departments. Field officers are in regular contact with employers' and workers' organisations.

A labour consultative council was formed in 1962.

Existing legislation allows a substantial measure of compliance with the provisions of the Convention. Full compliance will be achieved when the new Factories Bill is promulgated.

RECOMMENDATION NO. 81

Effect is given to certain parts of the Recommendation by the Factories Ordinance, the regulations made thereunder, and by administrative practice.

Regulation 3 of the Factories (Safety) Regulations stipulates that "every occupier shall, when commencing, ceasing or recommencing to operate a factory give written notice thereof" to the Labour Commissioner. No legislation exists whereby the plans of new factories or alterations to existing factories must be submitted to the factories inspectorate, but close liaison between the inspectorate and the occupiers has been established by administrative practice.

Under regulation 7 (1) of the Factories (Safety) Regulations powers are provided to inspectors enabling them to have anything which is dangerous or defective rectified; work may be suspended until the danger is removed.

The collaboration of employers and workers in regard to health and safety is encouraged by the factories inspectorate; safety committees have been set up in several of the larger factories. The Ministry of Labour and Social Development

gives courses in safety which are attended by representatives of labour and management. Pamphlets and booklets on the subject of industrial safety and health are distributed. A factories advisory board exists.

The annual report of the Labour Department includes most of the statistical information required under Paragraph 9 of the Recommendation.

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: *Algeria, Argentina, Australia, Austria, Belgium, Burundi, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Guatemala, Haiti, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Luxembourg, Malagasy Republic, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Senegal, Sierra Leone, Singapore, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom, United States, Zambia.*

The Governments of *Bulgaria, 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 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 Government of *Cuba* has stated that copies of its reports have been sent to the Cuban Workers' Union and to the managements of industrial and transport undertakings.

The Government of *Hungary* states that copies of its reports have been communicated to the National Council of Trade Unions.

The Government of *Spain* has stated that copies of its reports have been sent to the National Organisation of Spanish Trade Unions.

The Government of the *Ukraine* has stated that copies of its reports have been sent to the Trade Union Council and to the directors of numerous economic associations.

The Government of *Yugoslavia* has indicated that copies of its reports have been communicated to the Central Council of the Federation of Yugoslav Trade Unions and to the Federal Economic Chamber.

REPORT III
(PART III)

International Labour Conference

FORTY-SIXTH SESSION

GENEVA, 1962

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**SUMMARY OF INFORMATION RELATING TO THE
SUBMISSION TO THE COMPETENT AUTHORITIES OF
CONVENTIONS AND RECOMMENDATIONS ADOPTED
BY THE INTERNATIONAL LABOUR CONFERENCE**

(Article 19 of the Constitution)



GENEVA
International Labour Office
1962



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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Convention and the Recommendations adopted by the Conference at its 44th Session, held in Geneva from 1 to 23 June 1960.

The period of one year provided for the submission to the competent authorities of these instruments expired on 23 June 1961, and the period of 18 months on 23 December 1961.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 43rd Sessions (1948 to 1959). The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 45th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 15 to 27 March 1962, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 44th Sessions

31st Session (1948).

Freedom of Association and Protection of the Right to Organise Convention (No. 87).

Employment Service Convention (No. 88).

Night Work (Women) Convention (Revised) (No. 89).

Night Work of Young Persons (Industry) Convention (Revised) (No. 90).

Employment Service Recommendation (No. 83).

32nd Session (1949).

Paid Vacations (Seafarers) Convention (Revised) (No. 91).
Accommodation of Crews Convention (Revised) (No. 92).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).
Labour Clauses (Public Contracts) Convention (No. 94).
Protection of Wages Convention (No. 95).
Fee-Charging Employment Agencies Convention (Revised) (No. 96).
Migration for Employment Convention (Revised) (No. 97).
Right to Organise and Collective Bargaining Convention (No. 98).
Labour Clauses (Public Contracts) Recommendation (No. 84).
Protection of Wages Recommendation (No. 85).
Migration for Employment Recommendation (Revised) (No. 86).
Vocational Guidance Recommendation (No. 87).

33rd Session (1950).

Vocational Training (Adults) Recommendation (No. 88).

34th Session (1951).

Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).
Equal Remuneration Convention (No. 100).
Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).
Equal Remuneration Recommendation (No. 90).
Collective Agreements Recommendation (No. 91).
Voluntary Conciliation and Arbitration Recommendation (No. 92).

35th Session (1952).

Holidays with Pay (Agriculture) Convention (No. 101).
Social Security (Minimum Standards) Convention (No. 102).
Maternity Protection Convention (Revised) (No. 103).
Holidays with Pay (Agriculture) Recommendation (No. 93).
Co-operation at the Level of the Undertaking Recommendation (No. 94).
Maternity Protection Recommendation (No. 95).

36th Session (1953).

Minimum Age (Coal Mines) Recommendation (No. 96).
Protection of Workers' Health Recommendation (No. 97).

37th Session (1954).

Holidays with Pay Recommendation (No. 98).

38th Session (1955).

Abolition of Penal Sanctions (Indigenous Workers) Convention (No. 104).
Vocational Rehabilitation (Disabled) Recommendation (No. 99).
Protection of Migrant Workers (Underdeveloped Countries) Recommendation (No. 100).

39th Session (1956).

- Vocational Training (Agriculture) Recommendation (No. 101).
- Welfare Facilities Recommendation (No. 102).

40th Session (1957).

- Abolition of Forced Labour Convention (No. 105).
- Weekly Rest (Commerce and Offices) Convention (No. 106).
- Indigenous and Tribal Populations Convention (No. 107).
- Weekly Rest (Commerce and Offices) Recommendation (No. 103).
- Indigenous and Tribal Populations Recommendation (No. 104).

41st Session (1958).

- Seafarers' Identity Documents Convention (No. 108).
- Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109).
- Ships' Medicine Chests Recommendation (No. 105).
- Medical Advice at Sea Recommendation (No. 106).
- Seafarers' Engagement (Foreign Vessels) Recommendation (No. 107).
- Social Conditions and Safety (Seafarers) Recommendation (No. 108).
- Wages, Hours of Work and Manning (Sea) Recommendation (No. 109).

42nd Session (1958).

- Plantations Convention (No. 110).
- Discrimination (Employment and Occupation) Convention (No. 111).
- Plantations Recommendation (No. 110).
- Discrimination (Employment and Occupation) Recommendation (No. 111).

43rd Session (1959).

- Minimum Age (Fishermen) Convention (No. 112).
- Medical Examination (Fishermen) Convention (No. 113).
- Fishermen's Articles of Agreement Convention (No. 114).
- Occupational Health Services Recommendation (No. 112).

44th Session (1960).

- Radiation Protection Convention (No. 115).
- Consultation (Industrial and National Levels) Recommendation (No. 113).
- Radiation Protection Recommendation (No. 114).

Summary of Information relating to the Submission to the Competent Authorities of the Convention and the Recommendations Adopted by the International Labour Conference at Its 44th Session (Geneva, 1960) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 43rd Sessions (1948 to 1959)

ALBANIA

The Government submitted the instruments adopted by the Conference at its 44th Session to the Praesidium of the People's Assembly in April 1961.

AUSTRALIA

The texts of the instruments adopted at the 41st, 42nd, 43rd and 44th Sessions, were formally tabled in the Commonwealth Parliament as appendices to the report of the Australian delegates to the Conference, in October 1958, November 1959 and April 1961 respectively.

AUSTRIA

The Convention and Recommendations adopted at the 44th Session were submitted to the National Council in November 1961 together with a report by the Federal Minister for Social Affairs describing the main provisions of these instruments and comparing them with national law and practice. This report proposes that the ratification of Convention No. 115 should be postponed until the drafting of a Bill on protection against radiations is completed. Recommendation No. 113 is already applied to a very large extent in Austria. Convention No. 106 and Recommendation No. 103 were submitted to the National Council in March 1961. Convention No. 111 and Recommendation No. 111 were submitted in March 1960. The Government has not recommended the ratification of Convention No. 111. It states that the submission of the instruments adopted at the 43rd Session has been postponed in view of the lack of agreement in the Council of Ministers over Recommendation No. 112.

BELGIUM

The instruments adopted at the 44th Session were submitted to Parliament in November 1961 in a communication from the Government describing the state of national law in practice and the action it proposed to take. The Government proposed the ratification of Convention No. 115 and the acceptance of Recommendation No. 114, since the provisions of both these instruments were already fully implemented by the Act of 29 March 1958 for the protection of the population against ionising radiations. Belgian legislation contains provisions under which the purposes of Recommendation No. 113 can be achieved and Belgium accordingly accepts this instrument.

BOLIVIA

Convention No. 115 and Recommendation No. 114 cannot be put into effect in Bolivia because of the absence of any activities which might produce ionising radiations. Nevertheless in view of the aims pursued by the International Labour Organisation these instruments will be submitted to the competent authorities. As regards Recommendation No. 113, the Government considers that national legislation is in accordance with the provisions of this instrument.

BRAZIL

The Plantations Convention, 1958 (No. 110), and the three Conventions (Nos. 112, 113 and 114) adopted by the 43rd Session of the Conference have been submitted for approval by the National Congress in a message from the President of the Republic.

BULGARIA

The Convention and Recommendations adopted at the 44th Session were submitted to the Praesidium of the National Assembly in September 1961 and note was taken of these instruments. Convention No. 115 and Recommendation No. 114, together with Recommendation No. 113, were then submitted respectively to the Committee on the Peaceful Uses of Atomic Energy and the National Planning Commission for further study and comparison with national legislation.

CANADA

The texts of the instruments adopted at the 44th Session were tabled in both Houses of Parliament together with a letter setting forth the opinion of the Minister of Justice concerning the legislative jurisdiction, as between the federal and provincial authorities, for each of these instruments. Those instruments, which are partly a federal responsibility and partly a provincial responsibility, were forwarded in November 1960 to the Lieutenant-Governors of the provinces for submission to their respective provincial governments. In reply to a request made in 1961, the Government considers that the effect of tabling Conventions and Recommendations in Parliament is to inform the members that new instruments have been adopted and states that, if the Government does not put forward proposals, a private member can make an appropriate motion, which is debatable.

CHINA

The Executive Council submitted Convention No. 115 to the Legislative Council in May 1961, with a recommendation that this instrument should be ratified at a later date. Nevertheless, consultations are taking place between the Ministry of the Interior and the Atomic Energy Institute with a view to taking measures which will enable this instrument to be ratified. Recommendations Nos. 113 and 114 were submitted to the Legislative Council in September 1960 for possible legislative action.

COLOMBIA

In October 1961 the Government submitted to Congress, together with its report on the 45th Session of the International Labour Conference, a total of 11 Conventions (Nos. 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115) and 13 Recommendations

(Nos. 99, 100, 101, 102, 103, 105, 106, 108, 110, 111, 112, 113 and 114) adopted since the 38th Session. The accompanying document described national law and practice on the subjects covered by the foregoing Conventions and Recommendations as well as the action which the Government proposes. According to this document there is nothing to prevent Conventions Nos. 104, 105, 106 and 111 being ratified.

DENMARK

The Government submitted to Parliament in December 1960 the report of the Danish delegation to the 44th Session of the International Labour Conference together with the text of the instruments adopted at that session. Convention No. 115 and Recommendation No. 114 are now being studied by the appropriate public health bodies. It is the Government's intention to place a number of Bills before the next session of Parliament to amend national legislation in order to enable Convention No. 115 to be ratified. The report states that most of the provisions of Recommendation No. 113 have been applied for many years.

FINLAND

The instruments adopted at the 42nd and 43rd Sessions were submitted to Parliament in May 1961 accompanied by very detailed comments by the Government. According to these comments, Convention No. 110 and Recommendation No. 110 are not applicable in Finland since there are no plantations. Although the general principles of Convention No. 111 are applied in practice, ratification of this instrument is not proposed because Finnish legislation still contains some cases of discrimination based on sex. Recommendation No. 111 does not call for any action. It is not proposed to ratify Conventions Nos. 112, 113 and 114 because of the difference on certain points between Finnish law and these Conventions. No action is proposed for the time being to give effect to Recommendation No. 112, since occupational health services are in fact progressively expanding.

FRANCE

The texts of the instruments adopted at the 44th Session have been submitted to the appropriate committee of the National Assembly.

FEDERAL REPUBLIC OF GERMANY

The Conventions and Recommendations adopted at the 44th Session were submitted to the legislature in December 1961 together with the Government's comments on national law and practice in the fields covered by these instruments, and details of the action proposed. It does not propose to ratify Convention No. 115 for the time being, since consultation with the other members of Euratom would be necessary. The Government is drafting an ordinance on ionising radiations which will make due allowance for Recommendation No. 114. The provisions of Recommendation No. 113 are fully applied in the Federal Republic of Germany and it is not considered that any further measures are necessary.

GHANA

Convention No. 115 has been ratified. The Government states that it has adopted Recommendations Nos. 113 and 114. The instruments adopted at the 43rd Session

were submitted to the National Assembly in March 1961. Recommendation No. 112 has been adopted. Conventions Nos. 112 and 114 have not been ratified, as the fishing industry in Ghana has not yet reached the stage where the provisions of these Conventions could usefully be applied.

GUATEMALA

The Ministry of Labour has submitted the text of Convention No. 115 to the Social Security Institute for its opinion, as a preliminary to submitting the instrument to the legislature. Recommendation No. 114 has also been submitted to the Institute with a view to possible action, although in the opinion of the Minister of Labour this Recommendation is inapplicable, since there are no industries in the country producing radioactive substances. Recommendation No. 113 is being examined with a view to its inclusion in national legislation.

GUINEA

The Government of Guinea does not propose to ratify Convention No. 115 or to accept Recommendation No. 114. On the other hand, it does accept the provisions of Recommendation No. 113.

HAITI

The Government submitted to Parliament in August 1960 the instruments adopted by the 44th Session of the Conference with a view to putting them into effect.

HONDURAS

The instruments adopted at the 44th Session were submitted to the National Congress in December 1960 together with the Government's comments. The Government points out that at the present stage of the country's industrial development, there is no prospect of the situations covered by Convention No. 115 occurring. Accordingly there is no need to incorporate this instrument in Honduran legislation at present. The action to be taken on Recommendations Nos. 113 and 114 has been left to the discretion of Congress.

INDIA

The texts of the instruments adopted at the 44th Session were tabled in Parliament in November 1960. After consultation between the Ministers of the Central Government, the authorities in the various states, and the employers' and workers' organisations, the Government drew up a report which was placed before Parliament in August 1961. The ratification of Convention No. 115 is not proposed for the time being, nor is it planned to take any action on Recommendation No. 114. Nevertheless, account will be taken of these instruments in revising the Atomic Energy Act, 1948. Since the suggestions contained in Recommendation No. 113 are already followed in India, the Government considers that it is not necessary to take any further action to give effect to this Recommendation.

INDONESIA

The Secretary of the Council of Ministers has been instructed by the Minister of Labour to submit the instruments adopted at the 44th Session to the President and to Parliament. As regards Recommendation No. 113, the Government states that co-operation between employers, workers and public authorities has been common practice since the passing of Act No. 45 in 1960. The Government considers that it would be premature to make a more detailed study of Convention No. 115 and Recommendation No. 114 in view of the minor importance in Indonesia of activities involving the production of ionising radiations.

IRELAND

The Convention and Recommendations adopted at the 44th Session were submitted to Parliament in December 1961 together with a White Paper analysing each of these instruments and defining the Government's position on the action to be taken. While approving of the provisions of Convention No. 115 and Recommendation No. 114, the Government does not consider that any effect should be given to these instruments for the time being, since, with very few exceptions, ionising radiations are used only for medical purposes. National law and practice are in accordance with Recommendation No. 113 and the Government accepts its provisions.

ISRAEL

The instruments adopted at the 44th Session have been submitted to Parliament accompanied by a memorandum on the action to be taken. The Government does not intend, for the time being, to ratify Convention No. 115. This instrument and Recommendation No. 114 will be brought to the attention of all those concerned for guidance. Recommendation No. 113 will also be brought to the attention of the representative workers' and employers' organisations.

ITALY

The instruments adopted by the 43rd Session of the Conference were submitted to Parliament in June 1961 accompanied by a report from the Minister of Labour describing the state of national law and practice in the fields covered by each of these instruments, together with details of the action proposed. Ratification of Convention No. 112 was not proposed because Italian legislation allows minors under the age of 15 to be taken on board any vessel manned exclusively by a single family—an exception which is not allowed by this Convention. On the other hand, it is proposed to ratify Conventions Nos. 113 and 114 and to accept Recommendation No. 112.

The instruments adopted at the 44th Session were submitted to Parliament in December 1961. The Government sees no difficulty in the ratification of Convention No. 115 and in the acceptance of Recommendation No. 114. The principles embodied in Recommendation No. 113 are included in the Italian legislation.

JAPAN

The instruments adopted at the 44th Session were submitted to the Diet in May 1961, together with a report from the Government. National legislation is in

harmony with most of the provisions of Convention No. 115, which will be studied in greater detail. As regards Recommendation No. 114, the Government will spare no effort to ensure complete protection for workers against ionising radiations. Recommendation No. 113 is considered to be applied by Japanese legislation.

MALAYA

The Government has decided not to ratify Conventions Nos. 110, 112, 113, 114 and 115 and not to accept Recommendations Nos. 110 and 114.

MEXICO

Convention No. 115 has been submitted to the Senate for consideration. The Secretariat of State for Labour and Social Welfare has been instructed to take appropriate measures to give effect to Recommendations Nos. 113 and 114.

MOROCCO

The instruments adopted at the 44th Session were submitted to the King and to the Crown Prince (Deputy Prime Minister) in January 1961.

NORWAY

The instruments adopted at the 44th Session were submitted to Parliament in February 1961 together with a detailed report by the Government proposing the ratification of Convention No. 115 and the acceptance of Recommendations Nos. 113 and 114. These proposals were approved by Parliament in May 1961.

PAKISTAN

The Government accepts Recommendation No. 113. The prevailing conditions in Pakistan do not permit the application of the provisions of Convention No. 115 and Recommendation No. 114. Consequently the Government has decided not to ratify this Convention, or to accept the Recommendation.

PERU

Recommendations Nos. 83 to 110 and Convention No. 98, adopted since the 31st Session, have been submitted to Congress for consideration.

PHILIPPINES

The instruments adopted at the 44th Session have been submitted to Congress with a view to the adoption of appropriate legislation.

RUMANIA

The instruments adopted at the 44th Session were submitted to the Council of State in May 1961.

SENEGAL

The Government has forwarded copies of its reports (which it hopes to be able to submit to the National Assembly shortly) on the instruments adopted at the 44th Session. Owing to exceptional circumstances, it was not found possible to submit them to the legislative authorities within the time limit laid down in article 19 of the I.L.O. Constitution. The reason was that at the 44th Session the Government of Senegal was represented by the Federation of Mali, which was responsible for its international relations. After Senegal resumed full responsibility for its internal and external affairs, a certain amount of time was needed. The reports mentioned earlier state that it is not necessary to ratify Convention No. 115 or to give effect to Recommendation No. 114 because the only uses that could be made of radioactive substances are medical in character; the Government considers that a start has been made in Senegal on implementing Recommendation No. 113 and sees no obstacle to the extension of its provisions to other fields. The Government will also propose that the National Assembly should ratify Conventions Nos. 10, 12, 19, 52, 81, 89, 96, 99, 100, 101 and 102 (in respect of Parts VI, VII and VIII).

REPUBLIC OF SOUTH AFRICA

The texts of the instruments adopted at the 44th Session were tabled in both Houses of Parliament in February 1961. The Executive Council considers that in the present circumstances Recommendation No. 113 cannot be accepted. The Government also states that Recommendation No. 112 adopted at the 43rd Session has not been accepted either.

SPAIN

The Convention and Recommendations adopted at the 44th Session were submitted to the departments concerned in October 1961. On receiving the views of these departments, the Government decided to request the Cortes to ratify Convention No. 115 and a Bill was submitted to the Cortes for this purpose in January 1962. As regards Recommendations Nos. 113 and 114, the Government states that all the bodies consulted have taken the view that Spanish legislation is in accordance with these instruments. Nevertheless this legislation will have to be amended when Convention No. 115 is ratified to bring it into line with the age limits laid down in Article 7 of the Convention.

SWEDEN

The instruments adopted at the 44th Session were submitted to Parliament in December 1960, together with a report by the Minister of Social Affairs on national law and practice in the fields covered by these instruments and details of the action proposed. Convention No. 115 has been ratified. Recommendation No. 114 will be taken into account in drafting any legislation in this field. No action is proposed as regards Recommendation No. 113, which is fully applied in Sweden. The Government's statement was approved by Parliament in February 1961.

SWITZERLAND

The Federal Council placed before the Federal Assembly in June 1961 a report containing the texts of the Convention and Recommendations adopted at the 44th

Session, together with a message requesting permission to ratify Convention No. 115. The report states that the ordinance (now being prepared) which will be issued under the federal Act of 23 September 1959 on the peaceful uses of atomic energy will be in accordance with Convention No. 115 and will take Recommendation No. 114 fully into account. As regards Recommendation No. 113, the Government states that co-operation between the State and the employers' and workers' organisations is highly developed in Switzerland.

TURKEY

A verbal report on the instruments adopted at the 44th Session was made to the National Assembly in February 1961 when the budget of the Ministry of Labour was submitted.

UNITED KINGDOM

Recommendation No. 113 adopted at the 44th Session was placed before Parliament in March 1961. In January 1962 the Government also submitted the other instruments adopted at the same session, viz. Convention No. 115 and Recommendation No. 114. The accompanying White Paper describes the state of national legislation and practice with regard to the subjects dealt with by these instruments and gives details of the action proposed. The Government proposes the ratification of Convention No. 115 and accepts Recommendations Nos. 113 and 114, national legislation being in accordance with these instruments.

UNITED STATES

Convention No. 115 and Recommendations Nos. 113 and 114 were submitted to Congress in August 1961 together with a report on national law and practice with regard to the subjects covered by these instruments. The Government did not propose to ratify the Convention or to take any legislative measures on these subjects. Copies of the instruments, which fall partly within the competence of the federal Government and partly within that of the states, have been forwarded to the authorities of the 50 states and of Puerto Rico.

VENEZUELA

The Government submitted the texts of the Conventions and Recommendations adopted at the 43rd and 44th Sessions to the National Congress in April 1961. Proposals will be made subsequently regarding the action which would be taken. The ratification of a number of earlier Conventions was also proposed. As regards the instruments adopted at the 41st Session, the Government states in reply to a direct request that they were submitted to Congress in June 1960. The Government regrets that certain legal provisions debar it from supplying copies of the documents by which international instruments are submitted to the competent authorities.

YUGOSLAVIA

The instruments adopted at the 44th Session have been submitted to the competent authorities. The Government accepts the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111).

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.

Belgium. Copies of the reports have been communicated to the local organisations and to the organisations in Belgium.

Denmark. Copies of the reports have been communicated to the organisations in Denmark, to the local employers' organisation in the *Faroe Islands* and to the local workers' organisation in *Greenland*.

France. Copies of the reports have been communicated to the local employers' and workers' organisations in the following overseas territories: *Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon*.

Netherlands : Netherlands Antilles, Netherlands New Guinea. Copies of the reports have been communicated to local employers' and workers' organisations.

New Zealand. Copies of the reports have been communicated to the organisations in New Zealand.

Republic of South Africa. Copies of the reports have been communicated to the organisations in the Republic of South Africa.

United Kingdom. Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories: *Aden, Antigua, Bermuda, Falkland Islands, Gambia, Jamaica, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Solomon Islands, Southern Rhodesia, Trinidad and Tobago, Uganda*.

In the territories listed below copies of the reports have been communicated to the Labour Advisory Board: *British Honduras, Fiji, Gibraltar, Hong Kong, North Borneo, Singapore, Zanzibar*.

In the absence of representative employers' organisations copies of the reports have been communicated only to the workers' organisations in *British Guiana, St. Helena*.

The reports from the following territories state that at present there are no representative employers' or workers' organisations: *Bahamas, Basutoland, Bechuana-land, Bermuda, British Virgin Islands, Brunei, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Sarawak, Seychelles, Swaziland*.

In addition, copies of all reports supplied in respect of non-metropolitan territories have been communicated to the British Employers' Confederation and to the Trades Union Congress.

United States. Copies of the reports have been communicated to the organisations in the United States.

International Labour Conference

FIFTIETH SESSION

GENEVA, 1966

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**SUMMARY OF INFORMATION RELATING TO THE
SUBMISSION TO THE COMPETENT AUTHORITIES OF
CONVENTIONS AND RECOMMENDATIONS ADOPTED
BY THE INTERNATIONAL LABOUR CONFERENCE**

(Article 19 of the Constitution)



GENEVA
International Labour Office
1966

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Price: 25 cents; 1s. 9d.

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

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 48th Session, held in Geneva from 17 June to 9 July 1964.

The period of one year provided for the submission to the competent authorities of these instruments expired on 9 July 1965, and the period of 18 months on 9 January 1966.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 47th Sessions (1948 to 1963). The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 49th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 14 to 26 March 1966, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 48th Sessions

31st Session (1948).

Freedom of Association and Protection of the Right to Organise Convention
(No. 87).

Employment Service Convention (No. 88).

Night Work (Women) Convention (Revised) (No. 89).

Night Work of Young Persons (Industry) Convention (Revised) (No. 90).

Employment Service Recommendation (No. 83).

32nd Session (1949).

- Paid Vacations (Seafarers) Convention (Revised) (No. 91).
- Accommodation of Crews Convention (Revised) (No. 92).
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- Labour Clauses (Public Contracts) Convention (No. 94).
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- Protection of Wages Recommendation (No. 85).
- Migration for Employment Recommendation (Revised) (No. 86).
- Vocational Guidance Recommendation (No. 87).

33rd Session (1950).

- Vocational Training (Adults) Recommendation (No. 88).

34th Session (1951).

- Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).
- Equal Remuneration Convention (No. 100).
- Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).
- Equal Remuneration Recommendation (No. 90).
- Collective Agreements Recommendation (No. 91).
- Voluntary Conciliation and Arbitration Recommendation (No. 92).

35th Session (1952).

- Holidays with Pay (Agriculture) Convention (No. 101).
- Social Security (Minimum Standards) Convention (No. 102).
- Maternity Protection Convention (Revised) (No. 103).
- Holidays with Pay (Agriculture) Recommendation (No. 93).
- Co-operation at the Level of the Undertaking Recommendation (No. 94).
- Maternity Protection Recommendation (No. 95).

36th Session (1953).

- Minimum Age (Coal Mines) Recommendation (No. 96).
- Protection of Workers' Health Recommendation (No. 97).

37th Session (1954).

- Holidays with Pay Recommendation (No. 98).

38th Session (1955).

- Abolition of Penal Sanctions (Indigenous Workers) Convention (No. 104).
- Vocational Rehabilitation (Disabled) Recommendation (No. 99).

Protection of Migrant Workers (Underdeveloped Countries) Recommendation
(No. 100).

39th Session (1956).

Vocational Training (Agriculture) Recommendation (No. 101).

Welfare Facilities Recommendation (No. 102).

40th Session (1957).

Abolition of Forced Labour Convention (No. 105).

Weekly Rest (Commerce and Offices) Convention (No. 106).

Indigenous and Tribal Populations Convention (No. 107).

Weekly Rest (Commerce and Offices) Recommendation (No. 103).

Indigenous and Tribal Populations Recommendation (No. 104).

41st Session (1958).

Seafarers' Identity Documents Convention (No. 108).

Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109).

Ships' Medicine Chests Recommendation (No. 105).

Medical Advice at Sea Recommendation (No. 106).

Seafarers' Engagement (Foreign Vessels) Recommendation (No. 107).

Social Conditions and Safety (Seafarers) Recommendation (No. 108).

Wages, Hours of Work and Manning (Sea) Recommendation (No. 109).

42nd Session (1958).

Plantations Convention (No. 110).

Discrimination (Employment and Occupation) Convention (No. 111).

Plantations Recommendation (No. 110).

Discrimination (Employment and Occupation) Recommendation (No. 111).

43rd Session (1959).

Minimum Age (Fishermen) Convention (No. 112).

Medical Examination (Fishermen) Convention (No. 113).

Fishermen's Articles of Agreement Convention (No. 114).

Occupational Health Services Recommendation (No. 112).

44th Session (1960).

Radiation Protection Convention (No. 115).

Consultation (Industrial and National Levels) Recommendation (No. 113).

Radiation Protection Recommendation (No. 114).

45th Session (1961).

Final Articles Revision Convention (No. 116).

Workers' Housing Recommendation (No. 115).

46th Session (1962).

Social Policy (Basic Aims and Standards) Convention (No. 117).
Equality of Treatment (Social Security) Convention (No. 118).
Reduction of Hours of Work Recommendation (No. 116).
Vocational Training Recommendation (No. 117).

47th Session (1963).

Guarding of Machinery Convention (No. 119).
Guarding of Machinery Recommendation (No. 118).
Termination of Employment Recommendation (No. 119).

48th Session (1964).

Hygiene (Commerce and Offices) Convention (No. 120).
Employment Injury Benefits Convention (No. 121).
Employment Policy Convention (No. 122).
Hygiene (Commerce and Offices) Recommendation (No. 120).
Employment Injury Benefits Recommendation (No. 121).
Employment Policy Recommendation (No. 122).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at Its 48th Session (Geneva, 1964) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 47th Sessions (1948 to 1963)

ARGENTINA

The instruments adopted at the 47th Session, as well as those adopted at the 48th Session, have been submitted to the National Congress, together with the Government's proposals on the action to be taken on each of these instruments. The Government proposes ratification of Convention No. 119 and acceptance of Recommendation No. 118. The provisions of Recommendation No. 119 are in conformity with national legislation. As the provisions of Convention No. 120 and Recommendation No. 120 are already applied by national legislation, it is advisable to ratify the Convention and to accept the Recommendation. It is impossible to ratify Convention No. 121 without previous modifications but Recommendation No. 121 may be accepted. The Government considers it opportune to ratify Convention No. 122 and accept Recommendation No. 122.

The Government also supplied the following information in reply to a request for information in respect of the application in federal States of the provisions of article 19, paragraph 7 (*b*), of the Constitution of the I.L.O.

The executive submits Conventions and Recommendations adopted by the Conference to the competent legislative authority—the National Congress. When the application of certain Conventions and Recommendations calls for special action by the provincial legislative authorities, texts of these instruments are communicated to these authorities and the necessary consultation is effected through the Ministry of the Interior.

AUSTRALIA

The texts of the instruments adopted at the 47th and 48th Sessions were tabled in the Commonwealth Parliament on 28 September 1965 as an appendix to the report of the Australian delegates. A statement on the Conventions and Recommendations adopted at the 45th Session was also tabled in Parliament at the same time. The Government has already ratified Convention No. 116. With respect to Recommendation No. 115, while the general policy and practice regarding housing results in conditions which approximate those envisaged in the Recommendation, precise conformity with these provisions does not exist in all the states and territories of the Commonwealth.

AUSTRIA

The competent departments have not reached agreement regarding the eventual ratification of Convention No. 118. Because of the dissolution of Parliament in November 1965 pending new elections in March 1966, it was not possible to submit the instruments adopted by the Conference at its 48th Session. The Government will

not fail to attend to the matter of submission at the earliest possible opportunity and inform the Office in due course.

BOLIVIA

The Minister of Labour has sent his reports to the Executive for submission to the Legislature. However, due to lack of time it was not possible for the Legislature to consider these proposals but this will be done when Congress meets again.

CAMEROON

It was not possible to submit to the Legislative Assembly of Eastern Cameroon before the closing of its last session in 1964 the instruments adopted by the Conference at its 44th, 45th, 46th and 47th Sessions. The Government proposed to submit these to the federal National Assembly during its session in October 1965.

The Government has also supplied the following information in reply to a request respecting the application in federal States of the provisions of article 19, paragraph 7 (b), of the Constitution of the I.L.O.

Pursuant to article 6 of the Constitution of Cameroon, the federal authorities were empowered to deal, *inter alia*, with labour legislation after the transitional period, and the executive and legislature of the federated states ceased to be competent to deal with such matters after the federal Government had taken charge of them. The Ministry of Labour being established on a federal basis, the question of labour legislation now lies within the exclusive competence of the federal authorities. As a result, Cameroon has adopted the procedure followed by unitary States and the provisions of article 19 of the Constitution of the I.L.O. relating to federal States do not apply.

CANADA

The texts of the instruments adopted at the 48th Session were laid before the House of Commons and the Senate on 29 and 30 June 1965 respectively, together with a letter setting forth the opinion of the Deputy Attorney-General concerning the jurisdiction as between the federal and provincial authorities for each of the instruments in question. On that occasion the Minister of Labour made a statement. The instruments which lie partly within the competence of the federal Government and partly within that of the provincial governments were also forwarded to the Lieutenant-Governors of the provinces for submission to their respective governments. With regard to Conventions Nos. 120 and 121, the Minister of Labour stated that steps were being taken to explore with the provinces what action might be taken to ensure that national legislation and practice comply with the Conventions in the hope that they may be ratified. The Government, believing it both possible and desirable to ratify Convention No. 122, was consulting with the provinces with a view to taking action at an early date in this regard. The Recommendations will be referred to the appropriate authorities to be studied, and this would prove useful, at both the federal and provincial levels.

CHAD

Because of technical, material and financial reasons, the Council of Ministers had to postpone the ratification of Convention No. 119 and the acceptance of Recommendations Nos. 118 and 119. These instruments, which are in conformity with national legislation, will be re-examined in due course.

The Conventions and Recommendations adopted at the 48th Session have been submitted to the Council of Ministers.

The Council decided to postpone the acceptance of Conventions and Recommendations Nos. 120, 121 and 122 until the enactment of new labour legislation.

CHINA

Having examined Conventions Nos. 120 and 121, the competent authorities deferred the ratification of these instruments, which were subsequently communicated to the Legislative Yuen for further examination. After preliminary examination by the offices concerned, Convention No. 122 was referred to the Legislative Yuen for examination. Copies of the Recommendations adopted at the 48th Session were submitted to the Legislative Yuen in September 1964.

COLOMBIA

Bills approving the ratification of the following Conventions were submitted to Congress in 1965: Conventions Nos. 42, 88, 98, 99, 101, 104, 107, 111, 115 and 118.

CONGO (BRAZZAVILLE)

The text of the instruments adopted at the 45th, 46th, 47th and 48th Sessions have been submitted to the Executive as well as to the President of the National Assembly.

Convention No. 119 has been ratified. The national legislation is considered broader in scope and more comprehensive than the provisions of Convention No. 121. The Council of Ministers has decided not to ratify Convention No. 121.

CONGO (LEOPOLDVILLE)

Bills approving Conventions Nos. 116, 117, 118, 119, 120 and 121 have been signed by the Chief of State and published in the *Moniteur officiel*. The texts of Recommendations Nos. 116, 117, 118, 119, 120, 121 and 122, together with the report of the Ministry of Labour, have been communicated to the Prime Minister with a view to their submission to Parliament at its next session.

COSTA RICA

The instruments adopted at the 48th Session have been submitted to the Legislative Assembly. Recommendations Nos. 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 99, 100, 113, 114, 115, 116 and 117 were submitted to the Legislative Assembly in March 1965. Convention No. 118, adopted at the 46th Session, was also submitted to the Legislative Assembly in May 1965.

CUBA

The Council of Ministers recommended that Convention No. 118, adopted at the 46th Session, which is in conformity with the Fundamental Law, should not be ratified. Conventions Nos. 113, 114 and 116 have been submitted to the competent authorities. The ratification of Conventions Nos. 113 and 116 has been approved. Recommendations Nos. 111 to 114 and Recommendations Nos. 116 to 122, as well as Conventions Nos. 109, 120, 121 and 122, have been submitted to the competent authorities. The ratification of Conventions Nos. 109, 120 and 122 was approved.

CYPRUS

The instruments adopted at the 48th Session were submitted to the House of Representatives together with a report on the Government's proposals. The Council of Ministers has approved the Bills enabling the ratification of Conventions Nos. 121 and 122. It was recommended that the Government postpone its decision on the ratification of Convention No. 120, and that Recommendation No. 120 be kept in view for guidance on the measures to be taken on the matters covered therein. It was also recommended that Recommendations Nos. 121 and 122 be accepted.

DENMARK

On 22 December 1964 the Minister of Labour submitted to Parliament the texts of the instruments adopted at the 48th Session together with a government statement. The possibility of ratifying Conventions No. 120, 121 and 122 and the extent to which national legislation is in conformity with Recommendations Nos. 120, 121 and 122 are under consideration by the Ministry of Labour.

ECUADOR

The Conventions adopted at the 48th Session were being examined with a view to their submission to the competent authorities for consideration.

ETHIOPIA

The instruments adopted at the 43rd, 44th and 47th Sessions were submitted to the Council of Ministers in January 1965. It was suggested that the ratification of Convention No. 119 be delayed since the law relating to this instrument has been revised but has not yet been applied. Certain provisions of Recommendation No. 119 are under consideration for future application. The Government suggested that the ratification of Convention No. 115 be held in abeyance. The provisions of Recommendation No. 113 have been taken into account in setting up various committees. The Government proposes to delay the ratification of Conventions Nos. 112, 113 and 114 but reference to these instruments has been made in the consideration of the new Draft Labour Standard Proclamation. The provisions of Recommendation No. 112 are applied where appropriate.

The instruments adopted at the 41st, 42nd and 48th Sessions have been submitted to the Council of Ministers, after detailed translation of each instrument was made. The Government is giving consideration to the matter concerning the competent national authorities.

FINLAND

The instruments adopted at the 47th Session were submitted to Parliament in 1963. The Government also submitted the instruments adopted at the 46th Session to Parliament in December 1965. The Government recommended that Parliament should authorise it to take the necessary steps with a view to ratifying Convention No. 118 and accepting the obligations of the Convention in respect of those branches of social security which under the existing legislation cannot be accepted at present, but in respect of which such acceptance may become possible due to subsequent amendments in the legislation. The Government expressed the view that Convention No. 117 should not be ratified. Since Recommendation No. 116 will be essentially implemented if Parliament accepts certain proposals for legislative amendments, the Government considers that the Recommendation does not call for any further

action. The measures taken by the Government in recent years to develop vocational training have in most cases resulted in full implementation of Recommendation No. 117. The Government considers that this Recommendation does not call for any further action at present but intends to take its provisions into account in the future development of vocational training activities.

FRANCE

The instruments adopted at the 48th Session have been submitted to the Committee on Cultural, Family and Social Affairs of the National Assembly. The Office will be informed in due course on the nature of the application of these instruments in French law and practice and of the action that might be taken in relation to them.

FEDERAL REPUBLIC OF GERMANY

The instruments adopted at the 48th Session were submitted to the federal Diet together with a report indicating the Government's position in relation to them. The ratification of Conventions Nos. 120, 121 and 122 has to be postponed until a comparative examination of the national legislation is made. Federal German labour legislation corresponds on the whole to the general principles of Recommendation No. 120. It would be necessary to examine to what extent the principles of Recommendation No. 121 are appropriate as guidelines to the further development of the legislation. The Government does not want to take any initiative with respect to the implementation of the provisions of Recommendation No. 122 since the national practice meets the directives given for active employment policy.

GUATEMALA

The instruments adopted at the 48th Session have been communicated to the departments concerned.

GUINEA

The Conventions and Recommendations adopted at the 48th Session have been laid before the National Assembly for examination and the Government will supply further information on the action taken on them.

HAITI

The instruments adopted at the 48th Session have been communicated to the competent departments for the necessary administrative and legislative formalities. The Office will be informed of the action taken, in due course.

HUNGARY

On 7 May 1965 the Presidential Council acknowledged that the instruments adopted at the 47th and 48th Sessions had been submitted to it.

INDIA

The texts of the Conventions and Recommendations adopted at the 48th Session were submitted to the Union Parliament in December 1964 as an appendix to the report of the Government delegation to the 48th Session. A statement indicating the action taken or proposed on these instruments, which was drawn up following various

comments, was placed before the Union Parliament in September 1965. The Government decided not to ratify Conventions Nos. 120, 121 and 122 for the present. No specific action to give effect to the individual provisions of Recommendations Nos. 120, 121 and 122 is contemplated.

INDONESIA

In October 1964 the instruments adopted at the 48th Session were submitted to the Secretary of State by the Minister of Labour for presentation to the President and to Parliament.

IRAQ

A committee has been established to study I.L.O. Conventions and Recommendations. After the Conventions and Recommendations referred to this committee have been studied, they will be submitted to the competent authorities for ratification or other action. Conventions Nos. 107, 108 and 109 are under preliminary examination prior to their submission to the competent authorities.

IRELAND

The text of the instruments adopted at the 47th Session were submitted to both Houses of Parliament in September 1965, together with a government paper analysing each instrument and containing proposals on the action to be taken in relation to them. The Government regarded Convention No. 119 and Recommendation No. 118 as acceptable in principle, and proposed in due course to give consideration to the steps necessary to implement the provisions of these instruments. Subject to certain reservations, the Government regarded Recommendation No. 119 as acceptable.

ISRAEL

The Conventions and Recommendations adopted at the 48th Session were submitted to Parliament, accompanied by a government memorandum on the action to be taken with regard to these instruments.

With regard to Convention No. 120, the Ministry of Labour is considering whether legislation adopting the provisions of the Convention would be appropriate. With respect to Conventions Nos. 121 and 122, the Government is examining what measures, including legislation, should be undertaken to enable their ratification. Recommendations Nos. 121, 122 and 123 have been communicated to the departments concerned for guidance.

ITALY

The instruments adopted at the 47th Session were submitted to the Chamber of Deputies and the Senate in February 1965. The Government proposed the ratification of Convention No. 119. The general principle established by Recommendation No. 118 cannot be fully applied but would be taken into consideration if, in the future, new measures were contemplated. It is proposed to accept Recommendation No. 119.

IVORY COAST

The instruments adopted at the 48th Session were submitted to the National Assembly in June 1965, together with a government report. The Government proposed that the ratification of Convention No. 120 be postponed until such time as legal provisions in full conformity with this instrument are made. The General Order

of 19 July 1954 meets most of the standards of Recommendation No. 120. The national legislation is generally preferable to Convention No. 121 but because of difficulties in adopting a new system the Government intends not to propose the ratification of this Convention. National legislation generally applies the provisions of Recommendation No. 121. The principles of Convention No. 122 will be applied as the Government pursues its employment policy along the lines indicated by Recommendation No. 122.

JAMAICA

The Government, having considered Convention No. 119 and Recommendation No. 118, has decided not to ratify the Convention or accept the Recommendation at the present time.

JAPAN

The instruments adopted at the 48th Session were submitted to the Diet in May 1965, together with a report on the Government's proposals for appropriate action. The greater part of the provisions of Convention No. 120 is observed under relevant laws and regulations now in force in Japan. However, because of some difficulties in application, the Government wishes to prolong its consideration of the possibility of ratification. As regards Conventions Nos. 121 and 122, the Government wishes to make further examination of certain points in considering the possibility of ratification. The intent of Recommendations Nos. 120, 121 and 122 is generally implemented but because certain parts are difficult to put into immediate practice owing to prevailing customs and other factors the Government wishes to make a further study of the possibility of implementation.

KENYA

The instruments adopted at the 48th Session are being examined by the Labour Advisory Board, and will be submitted shortly to the National Assembly.

KUWAIT

The instruments adopted at the 48th Session have been referred to the competent authorities for action, and are still being considered.

LIBERIA

The instruments adopted at the 47th and 48th Sessions were submitted to the Department of Commerce and Industry and its Bureau of Labour. The ratification of Convention No. 119 was not necessary at present. Recommendations Nos. 118 and 119 would be used as guides for further development of present regulations or customary law. Final action has not been taken on the instruments adopted at the 48th Session. The Department of Commerce and Industry has given its approval for the ratification and adoption of legislation regarding Conventions Nos. 120 and 121 and Recommendations Nos. 120 and 121. Convention No. 122 and Recommendation No. 122 will be studied further.

LUXEMBOURG

The texts of the instruments adopted at the 48th Session were submitted to the Chamber of Deputies together with a government report. Almost all the general principles enunciated in Convention No. 120 are applied and the Government will

undertake preparatory work with a view to ratifying the Convention. Recommendation No. 120 will be applied gradually. There will be no difficulty in ratifying Convention No. 121, since national legislation exceeds the standards set by this instrument. Recommendation No. 121 will be taken into consideration when certain amendments are made in the national legislation. The objectives of Convention No. 122 have already been attained, and the national employment policy can be considered to be in conformity with Recommendation No. 122.

MALAGASY REPUBLIC

Recommendations Nos. 115 to 119 have been submitted to the competent authorities and have been recognised as being in conformity with national legislation.

MAURITANIA

The texts adopted at the 48th Session have been submitted to the competent authorities.

MEXICO

The Labour Department has prepared reports with a view to the submission to Congress of Conventions Nos. 120, 121 and 122. Recommendations Nos. 120, 121 and 122 have been brought to the attention of the departments concerned.

Since there is no discrepancy between national legislation and Convention No. 120, the Secretary of Labour proposed its ratification. Conventions Nos. 121 and 122 cannot be ratified at present. It was recommended that the provisions of Recommendation No. 121 be implemented in national legislation.

MOROCCO

The instruments adopted at the 48th Session were submitted to the King in August 1965.

NETHERLANDS

All parliamentary arrangements have been made for the submission to Parliament of the instruments adopted at the 48th Session. The Government has proposed the immediate ratification of Conventions Nos. 121 and 122 and will propose the ratification of Convention No. 120 after the adaptation of the national legislation.

NEW ZEALAND

The instruments adopted at the 48th Session were submitted to Parliament in August 1965. The government paper submitted on this occasion analyses the provisions of each instrument in question in relation to national law and practice and outlines the action which the Government is contemplating with regard to them. The national law and practice covered most of the requirements of Convention No. 120 and Recommendation No. 120. While no action towards the ratification of Convention No. 120 is being taken, there is sufficient compliance with the terms of Recommendation No. 120 to warrant acceptance of this instrument. The Government has ratified Convention No. 122. After a comprehensive examination of workers' compensation, if it is decided to effect changes in the relevant legislation, the question of ratifying Convention No. 121 and/or accepting Recommendation No. 121 will be the subject of further study.

NIGER

Recommendation No. 115 (45th Session) and the instruments adopted at the 46th and 47th Sessions have been submitted to the National Assembly. The provisions of the Recommendations are superfluous because they are already applied in the national legislation, except as regards Recommendation No. 119 which called for an amendment to article 37 of the Labour Code. Convention No. 118 cannot be ratified because of the new demands it would make on the economy of the country. The same is true for Convention No. 102. Conventions Nos. 117 and 119 have been ratified.

A report on the instruments adopted at the 48th Session has also been submitted to the Government for approval. The Government does not propose the ratification of Convention No. 120 since its principles are already applied by national legislation. Convention No. 121 is in harmony with national legislation and therefore it does not seem useful to ratify it. The provisions of Recommendation No. 121 cannot be adopted. The ratification of Convention No. 122 cannot be envisaged, and Recommendation No. 122 does not provide anything essentially new for Niger.

NORWAY

The instruments adopted at the 48th Session were submitted to Parliament in October 1965. The Government requested Parliament to give its consent to the ratification of Convention No. 120 and Convention No. 122. The acceptance of Recommendation No. 120 and Recommendation No. 122 was proposed. On the basis of the statements made by the trade unions, and in particular by the I.L.O. Committee, the Government is undecided with respect to the ratification of Convention No. 121 or the acceptance of Recommendation No. 121. These will be re-submitted to Parliament.

The Government also proposed that Parliament should give its consent to the ratification of Convention No. 56 and Convention No. 109.

PHILIPPINES

The instruments adopted at the 47th Session have been submitted to Congress by the President for consideration and for the possible adoption of appropriate legislation.

The instruments adopted at the 48th Session were communicated to the President of the Republic by the Minister of Labour in July 1964 with a view to their submission to Congress for consideration.

PORTUGAL

The texts of Conventions Nos. 112 to 122 and of Recommendations Nos. 112 to 118, 120, 121 and 122 have been submitted to the National Assembly.

RUMANIA

The instruments adopted at the 48th Session were submitted to the Council of State in October 1964.

RWANDA

The instruments adopted at the 47th and 48th Sessions are in the process of being submitted to the National Assembly. The delay is caused partly because of the preparation of new labour legislation and regulations and partly because of the obligation to translate these texts into the national language before submission. The text of Convention No. 119 is already translated and will be submitted shortly to the National Assembly with the Government's proposal recommending its ratification.

The texts of Conventions Nos. 120 and 121 and Recommendations Nos. 118, 119, 120 and 121 are being translated and will be submitted to the National Assembly with a government opinion favouring their ratification and acceptance.

SENEGAL

Recommendations Nos. 120, 121 and 122 have been submitted to the National Assembly together with the Government's proposals. The principal provisions of Recommendation No. 121 will be taken into account when the national legislation is being revised. The Government does not propose the acceptance of Recommendations Nos. 120 and 122.

SIERRA LEONE

The Conventions and Recommendations adopted at the 48th Session have still not been submitted to Parliament as the Joint Consultative Committee is at present considering the practical application of their provisions. Its recommendations, accompanied by a statement of the Government's views, will be submitted to Parliament before expiry of the period allowed in exceptional circumstances.

SPAIN

The instruments adopted at the 48th Session have been submitted to the authorities concerned for appropriate action.

SWEDEN

The instruments adopted at the 48th Session were submitted to Parliament in February 1965. At a Cabinet Committee Meeting it was decided to ratify Conventions Nos. 120 and 122.¹ The Government decided to refer Convention No. 121 and Recommendation No. 121 to the Government Committee for consideration. Recommendation No. 120, which is in almost complete harmony with Swedish legislation, calls for no further action. The principles of Recommendation No. 122 would be taken into consideration, together with the conclusions of the committee set up to study reform in Swedish employment policy.

SWITZERLAND

In September 1965 the Federal Council submitted to the Federal Assembly a report on the proceedings of the 48th Session. This report included the texts of the instruments adopted at that session and outlined the Government's position in relation to them.

The Federal Council authorised the ratification of Convention No. 120. In the light of existing legislation, it is not proposed to ratify Convention No. 121. The principles contained in Recommendation No. 121 cannot be applied in the near future. Though Convention No. 122 is considered valuable, under present conditions it would not be practicable to follow an active full employment policy in Switzerland, and therefore the Convention should not be ratified.

SYRIAN ARAB REPUBLIC

Conventions Nos. 119 and 120, and Recommendations Nos. 118 and 119 have been submitted to the legislative authority. Action to be taken on these instruments

¹ The ratification of these Conventions was registered on 11 June 1965.

had not yet been reported. Conventions Nos. 119¹ and 120 have been ratified. Convention No. 90 has been submitted to the Presidential Council, which has deferred ratification until economic conditions permit modification of the existing legislation. Convention No. 97 and Recommendations Nos. 83, 84, 85, 89 and 90 have been submitted to the legislative authorities. The Government proposed acceptance of these instruments.

TANZANIA

In reply to a general request for information concerning the application in federal States of the provisions of article 19, paragraph 7 (*b*), of the Constitution of the I.L.O., the Government has indicated that Tanzania is not a federal State within the meaning of this provision of the Constitution, and therefore the federal procedure is not deemed to apply. The competent national authority is the Parliament of the United Republic.

THAILAND

Steps are being taken for the submission to the competent authorities, for information and consideration, of the Conventions and Recommendations adopted at the 48th Session.

TOGO

The instruments adopted at the 44th, 45th and 46th Sessions have been submitted to the Council of Ministers for examination. It appears premature to request the National Assembly to envisage the ratification of these Conventions since the Five-Year Plan has just begun. There is no difficulty in accepting Recommendation No. 116.

The instruments adopted at the 48th Session were submitted to the Council of Ministers and then to the National Assembly together with the views of the Minister of Labour on the action to be taken on these instruments.

The Government presented a Bill to the National Assembly authorising the President to ratify Conventions Nos. 120 and 121. Recommendation No. 120 will be accepted. Since Recommendation No. 121 provides for greater benefits than those accruing under national legislation, it does not appear opportune to accept its provisions. The objectives of Convention No. 122 cannot be attained in the immediate future and it is therefore not proposed to ratify this Convention or to accept Recommendation No. 122.

TUNISIA

The instruments adopted at the 48th Session have been submitted to the competent authorities. Convention No. 122 has been ratified.² Conventions Nos. 117 and 119 and Recommendations Nos. 116 to 119 have been communicated to the Executive for submission to the competent authority.

UGANDA

The instruments adopted at the 48th Session have been submitted to the National Assembly together with a government report. When consultation with the employers' and workers' organisations and government and technical experts has been completed, the Government's proposals will be laid before the National Assembly. Meanwhile,

¹ The ratification of these instruments was registered on 10 June 1965.

² The ratification of this Convention was registered on 17 February 1966.

the Ministry of Housing and Labour will initiate the gradual implementation of the principal provisions of some of these instruments.

UKRAINE

The instruments adopted at the 48th Session were submitted to the Praesidium of the Supreme Soviet in January 1965 for consideration.

U.S.S.R.

The instruments adopted at the 48th Session were submitted for examination to the Praesidium of the Supreme Soviet in March 1965.

The Government has also communicated the following information in reply to a general request for information concerning the application in federal States of the provisions of article 19, paragraph 7 (*b*), of the Constitution of the I.L.O.

Under the national Constitution, the Praesidium of the Supreme Soviet is the competent authority for the purposes of article 19 of the Constitution of the International Labour Organisation. The Presidents of the Praesidium of the Supreme Soviets of the Union Republics are the Vice-Presidents of the Praesidium of the Supreme Soviet of the U.S.S.R. Conventions and Recommendations submitted to the Praesidium are therefore considered by the most responsible representatives of the higher authorities of all Union Republics and this forms a basis for consultation within the U.S.S.R. in the framework of the state power. On the other hand, the Council of Ministers of the U.S.S.R. includes *ex officio* the Chairmen of the Councils of Ministers of the Union Republics and therefore the heads of governments of all the Union Republics are kept informed of Conventions and Recommendations submitted by the Government to the Praesidium of the Supreme Soviet. This forms an additional basis for consultation.

Consequently, the constitutional system of the Soviet Union creates favourable conditions for systematic consultation between the federal authorities and the authorities of the Union Republics with a view to co-ordinating action within the federal states to make effective the provisions of Conventions and Recommendations. The constitutional system enables the carrying out not only of periodic but also of regular consultations concerning the instruments adopted by the Conference.

UNITED KINGDOM

The instruments adopted at the 48th Session were submitted to Parliament in October 1965. The relevant parliamentary paper contains an analysis of the provisions of these instruments and the proposals concerning the action to be taken in relation to them. The Government proposes to ratify Conventions Nos. 120 and 122. It was decided not to recommend the ratification of Convention No. 121 or the acceptance of Recommendation No. 121. Recommendation No. 120 is accepted with certain reservations, provided for in this instrument. The Government accepts Recommendation No. 122 as a useful supplement to the Convention.

UNITED STATES

Conventions Nos. 120 and 121 and Recommendations Nos. 120 and 121, adopted at the 48th Session, were submitted to Congress in October 1965 and to the authorities of the states and of Puerto Rico, together with a report on the general position regarding the action to be taken in relation to them. Convention No. 122 and Recommendation No. 122 are in the final stages and will be submitted shortly.

URUGUAY

The instruments adopted at the 38th to the 46th Sessions have been submitted by the Executive to the Legislative Assembly together with the Government's proposals on the action to be taken on these instruments. As regards the instruments adopted at the 47th and 48th Sessions, the Ministry of Industry and Labour has consulted the departments concerned and is in the process of preparing a report to be submitted to Parliament. The Government recommends the ratification of Conventions Nos. 106 and 109. Bills to ratify Conventions Nos. 107, 108, 110, 112, 113, 114, 115 and 116 have also been submitted to Congress.

VENEZUELA

In reply to a general request concerning the application in federal States of the provisions of article 19, paragraph 7 (*b*), of the Constitution of the I.L.O., the Government has supplied the following information:

The National Executive communicates to the National Congress the texts of the Conventions and Recommendations adopted by the Conference. This is followed by an examination of the Conventions in order that a Bill approving them can be prepared. Recommendations serve as a basis for the enactment of labour legislation and regulations. The National Government, through the Ministry of Labour, maintains permanent contacts with employers' and workers' organisations with a view to conforming fully with international labour standards.

VIET-NAM

Preparatory work is in progress for submission to the competent authorities of the instruments adopted at the 48th Session. The Office will be informed in due course of the decisions taken in this regard.

REPORT III
(PART IV)

International Labour Conference

FIFTIETH SESSION

GENEVA, 1966

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
1966

09661

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Albania:

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Algeria:

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Argentina:

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Australia:

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Brazil:

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Canada:

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Central African Republic:

I B, No. 29.

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Colombia:

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I B, Nos. 3, 9.

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General Report, paragraphs 26, 32.
I B, Nos. 29, 42.

Cuba:

General Report, paragraph 32.
I B, Nos. 17, 63, 67, 81, 87, 92.
III.

Cyprus:

General Report, paragraph 32.

Czechoslovakia:

General Report, paragraph 26.
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¹ The roman numerals and the letters refer to the sections of Part Two of this report and the arabic numerals to the numbers of the Convention.

Dahomey:

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Denmark:

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Dominican Republic:

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Ecuador:

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Ghana:

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Liberia:

General Report, paragraph 26.
I B, Nos. 29, 55, 87, 98.
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Libya:

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Malagasy Republic:

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Malaysia:

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State of Sarawak:
General Report, paragraph 32.

Republic of Mali:

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I B, No. 18.
III.

Islamic Republic of Mauritania:

I A and B, No. 18.

Mexico:

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III.

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Netherlands:

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Nicaragua:

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Norway:

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Peru:

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I B, Nos. 4, 24, 25, 41.
III.

Philippines:

General Report, paragraphs 26, 32.
I B, Nos. 17, 87, 88, 89, 90, 95.

Poland:

I B, Nos. 87, 92.
III.

Portugal:

I B, Nos. 17, 27, 29, 74, 92, 105.

Rumania:

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I B, Nos. 3, 13.
III.

Rwanda:

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I A.

El Salvador:

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III.

Senegal:

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I B, No. 87.

Sierra Leone:

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I B, Nos. 65, 81.

Somali Republic:

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Republic of South Africa:

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Spain:

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I A and B, Nos. 6, 29.

Yugoslavia:

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I B, No. 45.

Zambia:

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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 36th Session in Geneva from 14 to 25 March 1966. The Committee has the honour to present its report to the Governing Body.

2. Since the Committee's last meeting the Governing Body has appointed Professor L. A. LUNZ (U.S.S.R.) a member of the Committee. The Committee was pleased to welcome this new member at its present session.

3. 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 General Assembly;

The Right Honourable Sir Adetokunbo ADEMOLA, K.B.E., C.F.R., P.C. (Nigeria),
Chief Justice 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, Salzburg Seminar in American Studies; 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 Ra'ana Liaquat Ali KHAN (Pakistan),
former Ambassador to Italy and to Tunisia; former Ambassador to the Netherlands; 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; Honorary Member, International Montessori Association; first recipient of the International Gimbel Award for services to humanity (1961-62);
- Mr. H. S. KIRKALDY (United Kingdom),
Barrister; Vice-President of Queens' 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 to Sweden, Denmark and Norway;
- Mr. L. A. LUNZ (U.S.S.R.),
Doctor of Juridical Sciences; Professor of Civil Law and Private International Law at the All-Union Research Institute of Soviet Law in Moscow;
- Mr. Jean MORELLET (France),
Honorary Councillor of State; Member of the High 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;
- Mr. Paul RUEGGER (Switzerland),
Ambassador; former Minister 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 Public International Law at the University of Buenos Aires; Member of the Permanent Court of Arbitration; 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 to India.

4. The Committee regretted that Mr. SARAIVA was prevented for reasons of health from participating in its 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 ratified ¹;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories; ¹
- (c) information from governments under article 19 of the Constitution on the measures taken by them to bring certain Conventions and Recommendations before the competent authorities for the enactment of legislation or other action ²;
- (d) reports from governments under article 19 of the Constitution on unratified Conventions and on Recommendations, selected by the Governing Body.³

7. Over 3,000 reports and texts—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 information concerning submission of the instruments adopted by the International Labour Conference 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. During the period from 1 January to 31 December 1965, 126 ratifications of Conventions were registered; 73 of these were new ratifications; 53 resulted from the continuance by new States Members (Malawi, Malta, Singapore) of obligations undertaken on their behalf by the States which were responsible for the international relations of these countries before they became independent. The total number of ratifications at the time of the adoption of the Committee's report amounted to 3,122.

9. With regard to the technical co-operation activities through which the I.L.O. is able to assist governments in fulfilling their obligations in regard to Conventions

¹ I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (Part I), to the 50th Session of the International Labour Conference (Geneva, 1966).

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.

and Recommendations, the Committee learned with interest that the organisation of special seminars on national and international labour standards for national officials dealing with these matters—the first of these had been mentioned last year and had been held for English-speaking countries in Africa—has undergone a new development with the organising of a similar course for officials of French-speaking countries in Africa. These activities may be most useful in assisting governments in the fulfilment of their obligations. The Committee is convinced that the organisation of similar courses for other groups of countries in various parts of the world would be equally valuable. Other forms of assistance have also remained available to States Members, such as advice on labour legislation or the granting of fellowships to national officials with a view to training them in the procedures relating to Conventions and Recommendations, etc. The Committee has also noted that the I.L.O. has published a Manual on Procedures relating to International Labour Conventions and Recommendations. This Manual is a practical guide intended to assist national administrations dealing with these questions by providing them with a systematic collection of useful basic information in respect of the various procedures relating to the adoption and application of international labour standards.

10. The Committee was informed of the continuation of the International Labour Office research programme on the relationship between the requirements of economic and social development and the application of the Forced Labour Conventions, already mentioned in last year's report (paragraph 12), in connection with a suggestion made in its General Conclusions of 1962 on the Conventions and Recommendations in this field. This research was pursued as part of the general study of various specific problems connected with the training and use of human resources to meet the requirements of economic and social development, irrespective of whether the problems involved difficulties in the application of these Conventions or not. In 1965 the research programme again included on-the-spot surveys in a number of countries carried out in agreement with the governments concerned. Some of the resulting studies have appeared in the January 1966 issue of the *International Labour Review*, and others may be published subsequently.

11. The research has brought out more clearly the problems encountered in the training and employment of young people for the purposes of economic and social development; the studies dealt in particular with the participation of youth in educational and productive activities under special programmes organised outside or in addition to conventional training and employment processes, which are often inadequate. It has thus been possible to examine various situations involving the question of the economic and social activities of youth under compulsory national service schemes (such as military or assimilated service), a question which the Committee has raised in a number of cases during recent years in view of its possible connection with the concept of compulsory labour or service embodied in the above-mentioned Conventions. The Committee learnt with interest that, as a result of this research, consideration is being given to the placing on the agenda of the Conference, by the Governing Body of the International Labour Office, of the examination of the various aspects of special youth programmes in relation to the problems of training and employment, with a view to the adoption of a new instrument, possibly a Recommendation. The results of the Office research on these subjects will thus be analysed in detail in the preparatory reports which will form the basis for this examination by the Conference.

12. The Committee notes that the examination referred to in the previous paragraph would enable the Conference to consider, *inter alia*, the question of the economic and social activities of youth in relation to compulsory national services, and

it has decided to defer further comment on this subject in its individual observations and requests on the application of the Forced Labour Conventions, until the results of this examination become available. However, it requests governments to continue to provide information on any relevant developments in their national law and practice, in their reports on these Conventions.

13. The Committee also learned with interest that the Conventions of 1930 and 1957 concerning forced labour have been selected by the Governing Body for reporting under article 19 of the Constitution, in 1967. In accordance with the usual practice, it will thus have the opportunity in 1968 of presenting a new general survey on the effect given to these instruments both by countries which have ratified them and by those which have not. Through this survey it should be possible to supplement the previous survey of 1962 and the above-mentioned practical research of the International Labour Office, in particular as regards the examination of various questions that have arisen in this respect. The Committee moreover expresses the hope that, since the United Nations has designated 1968 as the "International Year for Human Rights", it will be possible to base the general survey presented that year on the Conventions concerning forced labour on the fullest possible reports and to record new progress in the ratification and application of these instruments.

14. The Committee recalls in this connection that in 1967 it will be called upon to make a similar general survey concerning the instruments on hours of work in respect of which article 19 reports have been requested.

15. Finally, the Committee was requested this year, by a decision of the Governing Body at its 163rd Session (November 1965), to make a special examination of the extent to which effect has been given to the recommendations of the Commission of Inquiry that had been set up under article 26 of the Constitution of the I.L.O. to examine the complaint by the Government of Ghana relating to the observance by Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105).¹ The Governing Body asked the Committee to submit a report to it on this subject, following a resolution adopted by the International Labour Conference at its 49th Session (June 1965). The special report of the Committee on this question is attached to the present report.²

III. Supply and Examination of Reports on the Application of Ratified Conventions

16. Under the two-yearly procedure initiated 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 a specified group of Conventions. Those before the Committee this year related to the period 1 July 1963 to 30 June 1965 and concerned 52 Conventions.³ In addition, in view of the rules which govern this two-yearly procedure, detailed reports were also requested from certain governments on other Conventions in force, either because a first report was due after ratification or because important divergences had previously been noted between the national

¹ The report of this Commission is published in the *Official Bulletin* of the International Labour Office, Vol. XLV, No. 2, Apr. 1962, Supplement II.

² See the Special Report at the end of this volume.

³ Conventions Nos. 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 41, 42, 44, 45, 48, 52, 53, 55, 56, 63, 65, 69, 71, 73, 74, 77, 78, 79, 81, 82, 85, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 113, 114, 115, 117, 118.

law or practice and the Conventions in question, or again because reports due for the previous period had not been received. These reports usually covered the period 1 July 1964 to 30 June 1965. The Committee also examined a number of reports received too late last year for examination at its previous session.

17. The number of reports requested from governments on the situation in their countries amounted to 1,700.¹ At the end of the present session of the Committee 1,444 reports had been received at the Office. A list showing the reports received, classified according to countries and Conventions, is given in Part Two (section I, Appendix I) of this report. There is also given in Part Two (section I, Appendix II) a table showing, for each year since 1933 in which the Committee has met, the number and percentage of reports which were received for the meeting of the Committee and for the session of the International Labour Conference. This table also shows the number and percentage of reports which were received by the date by which the governments were asked to supply them. It will be noted that the percentage of reports received to date is higher than that of the previous five years. In absolute figures, the total number of reports received has increased by over 70 per cent. during this same period.

18. Under the two-yearly procedure mentioned above, it is understood that States Members are called upon to provide general reports on Conventions for which detailed reports are not due. The reports furnished in this way by a number of countries were particularly full, and dealt with important questions such as changes in national law or practice.² These reports enabled the Committee to take note of such changes without delay despite the two-yearly procedure.

19. It will be noted from the statistical appendices that the proportion of detailed reports received is 84.9 per cent. Of the 112 States from which such reports had been requested, 66 have supplied all those which were due. Although the Committee notes improvements every year, it feels bound to observe once more that a certain number of countries did not discharge the fundamental obligation to send reports on the Conventions which they have ratified.

20. Thus, none of the reports due has been received either last year or this year from Ecuador, Honduras, Lebanon, Panama, El Salvador, Republic of South Africa, Trinidad and Tobago, Venezuela or Viet-Nam. In addition, no report has so far been received this year from Afghanistan, Albania, Burundi, Dominican Republic, Guinea, Indonesia, Jordan, Laos, Tanzania (Zanzibar), or Uruguay. As the obligation under the Constitution of the International Labour Organisation to send reports on ratified Conventions is of a fundamental character, the Committee trusts that the governments concerned will not fail to supply all the reports due in future.

21. The importance of having the reports by the date specified, that is to say, 15 October, must be emphasised this year once again, since this is indispensable to the proper working of the machinery of examination, in view of the necessary delays, such as those of translation, the study of reports and legislation, etc. In this connection, the Committee notes that the percentage of reports received for the present period by the date requested shows only a small increase over that of last year. The Committee hopes that there will be a considerable increase in coming years.

¹ The figures regarding the supply of reports on the application of ratified Conventions in non-metropolitan territories are given in paragraph 38 below.

² Belgium, Bolivia, India, Malaysia, New Zealand, Nicaragua, Portugal, Ukraine.

22. It is all the more to be regretted that certain countries sent their reports so late that it was impossible to examine them with the detailed care they required. All or most of the reports of the following countries arrived only shortly before the actual opening of the Committee's meeting, or even during the meeting—in other words five months later than the specified date: Chad (six reports), Colombia (19 reports), Haiti (13 reports). In most of these cases the Committee could only defer examination of the reports to its next session. The Committee was also compelled to postpone until next year the examination of a number of other reports, either because of the date at which they had been received, the complexity of the questions to be examined, or the lack of the relevant legislative texts.

23. A total of 114 reports was due for the first time since the ratification of the relevant Conventions; 74 of these were received from 24 countries. On the other hand, several countries, which were due to supply first reports on certain Conventions for examination by the Committee in previous years, have again failed to do so. Thus, some first reports have been due from Panama for six years (Conventions Nos. 3, 12, 17), five years (Conventions Nos. 52, 87, 100) or four years (Conventions Nos. 30, 42 and 45). First reports have been due from Honduras for three years (Conventions Nos. 78, 106, 108, 111), from Ecuador for two years (Conventions Nos. 2 and 24) and from Lebanon for two years also (Convention No. 14). The following first reports which should have been examined by the Committee in 1965 have not yet been received: Ecuador (Conventions Nos. 35, 37, 39, 105, 111), Greece (Convention No. 105), Lebanon (Conventions Nos. 26, 45, 52, 81, 89, 90). The Committee greatly regrets the substantial delay which has occurred in the supply of these "first reports", in view of the particular importance attaching to these reports, which should enable the Committee to assess in detail, once a Convention has been ratified, the effect given to it.

24. In making its examination of the reports supplied by governments, 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 requests for additional information 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 reference to the requests for additional information, which are addressed directly to the governments concerned by the International Labour Office on behalf of the Committee. Reference is also made to cases where the Committee has noted the supply of information previously requested by it.

25. The effective working of the procedure for the examination of reports depends on governments supplying detailed reports as called for, and replying fully to the observations and requests of the Committee. As it has pointed out on earlier occasions, the Committee 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. This procedure makes it possible to avoid delays in the examination of the application of Conventions and to facilitate in this respect the work both of governments and of the Committee. The Committee had asked the Office to get in touch immediately with the governments concerned, where the necessary information was not supplied in order to explain that this would prevent the Committee from carrying out its work and to ask the governments to supply the necessary information without delay.

26. In accordance with this practice, the International Labour Office has, during recent months, communicated with 28 governments and requested them to supply further information as regards various Conventions. While 11 of the governments in question responded to this request, no such reply has so far been received in a number of other cases.¹ When no report is supplied on Conventions on which observations or requests had previously been made, the supervisory task is just as seriously jeopardised. In such a situation in the absence of information on points previously raised the Committee can only repeat its earlier comments or requests.² Thus as a result of this failure to reply, or even to report, there are a number of cases in which the Committee has received no information as regards all or most of the observations or requests concerning which a reply was due this year. The countries in question are as follows: Afghanistan, Albania, Algeria, Argentina, Burma, Burundi, Dominican Republic, Ecuador, Guinea, Honduras, Laos, Libya, El Salvador, Republic of South Africa, Tanzania (Zanzibar), Uruguay, Venezuela, Viet-Nam.

27. The Committee must therefore once again draw the attention of the governments concerned to the necessity of furnishing reports and replies to earlier comments, so that both the Committee of Experts and the Conference Committee may continue to perform their task in accordance with the present procedure and that excessive delays in the examination of the application of Conventions may be avoided.

28. On the other hand, in a number of cases the Committee has recorded its satisfaction on the positive action taken in regard to previous observations and requests. As in the preceding year, the Committee is able to report a considerable number of cases in which governments have taken account of its earlier comments and introduced changes in their law or practice. There are more than 80 cases of this kind, relating to 46 countries (34 States Members and 12 non-metropolitan territories) in accordance with the table on the opposite page.

29. In Part Two of this report details are given of the cases relating to the Conventions and countries mentioned above in which particularly satisfactory develop-

¹ Algeria (Convention No. 81), Argentina (Convention No. 105), Burma (Conventions Nos. 17, 29), Chile (Conventions Nos. 2, 24, 25, 37), Czechoslovakia (Convention No. 63), Haiti (Convention No. 81), Iraq (Conventions Nos. 88, 115), Libya (Conventions Nos. 98, 105), Mali (Conventions Nos. 13, 95), Nicaragua (Convention No. 29), Niger (Convention No. 105), Pakistan (Conventions Nos. 22, 87), Philippines (Conventions Nos. 89, 90), Senegal (Convention No. 13), Sudan (Convention No. 29), Ukraine (Conventions Nos. 45, 79), U.S.S.R. (Convention No. 52).

² This year such cases occurred in regard to the following countries and Conventions: Afghanistan (Conventions Nos. 4, 41, 95); Albania (Conventions Nos. 6, 29, 52, 77, 78, 87); Algeria (Conventions Nos. 6, 13, 14, 18, 19, 24, 29, 42, 44, 56, 63, 69, 71, 74, 77, 78, 88, 89, 94, 95, 97, 101); Burma (Conventions Nos. 6, 41, 52); Burundi (Conventions Nos. 4, 17, 19, 29, 42, 89, 94); Chile (Convention No. 34); China (Conventions Nos. 22, 105); Congo (Leopoldville) (Conventions Nos. 29, 85); Dahomey (Conventions Nos. 29, 105); Denmark (Convention No. 94); Dominican Republic (Conventions Nos. 1, 29, 45, 52, 79, 81, 88, 90, 105); Ecuador (Conventions Nos. 26, 29, 95, 98, 100); Gabon (Conventions Nos. 13, 29, 105); Ghana (Conventions Nos. 29, 105); Greece (Convention No. 29); 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, 105); Ireland (Convention No. 105); Jamaica (Convention No. 105); Jordan (Convention No. 105); Laos (Conventions Nos. 4, 6, 29); Liberia (Conventions Nos. 55, 105, 113, 114); Libya (Convention No. 29); Netherlands (Convention No. 29); Pakistan (Conventions Nos. 29, 105); Panama (Convention No. 81); Peru (Conventions Nos. 44, 88, 105); Salvador (Conventions Nos. 104, 105, 107); Senegal (Conventions Nos. 19, 105); Sierra Leone (Convention No. 105); Somali Republic (Convention No. 105); Republic of South Africa (Conventions Nos. 42, 89); Trinidad and Tobago (Conventions Nos. 19, 105); Tunisia (Conventions Nos. 29, 105); U.S.S.R. (Convention No. 87); Uruguay (Conventions Nos. 1, 2, 13, 15, 16, 17, 19, 22, 23, 24, 25, 26, 27, 30, 42, 43, 52, 58, 59, 60, 62, 63, 73, 77, 78, 79, 89, 90, 94, 95, 97, 101, 103); Venezuela (Conventions Nos. 1, 2, 3, 6, 7, 11, 13, 14, 22, 26, 27, 29, 41); Viet-Nam (Conventions Nos. 6, 14, 29); Yugoslavia (Convention No. 48).

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Countries	Conventions Nos.
Belgium	94
Bulgaria	12, 29, 52, 53
Canada	1
Ceylon	41
Chile	3, 4, 6, 45
Czechoslovakia	1, 89, 90
Denmark	42
Finland	94
France	77
Federal Republic of Germany	3
Greece	42, 81
Haiti	42
Hungary	13, 52, 77, 78
Iraq	42
Ivory Coast	18, 19, 85, 95
Liberia	29
Mauritania	18
New Zealand	22
Niger	18, 29
Norway	105
Pakistan	81, 90
Philippines	17
Portugal	17, 27, 29, 74, 105
Rumania	3, 13
Sierra Leone	65
Sweden	29
Syrian Arab Republic	81
Tanzania (Tanganyika)	81, 95
Togo	6
Tunisia	17
Uganda	81, 94
United Kingdom	17
Yugoslavia	45
Zambia	29, 65

* * *

Netherlands:	
Surinam	96
United Kingdom:	
Bahamas	85, 94, 105
Basutoland	29, 65, 105
Bechuanaland	29, 105
Bermuda	29, 82
British Honduras	101
Dominica	95
Hong Kong	7, 81
Mauritius	81, 82, 94
St. Lucia	82, 94, 101
Solomon Islands	29, 81, 95, 105
Southern Rhodesia	81, 86

ments have already taken place. In addition to these cases, there are a number of others in which similar measures are at present in hand with a view to giving fuller effect to the provisions of ratified Conventions. As in previous years, the Committee wishes to express its warm appreciation of the measures taken in countries in all parts of the world with a view to meeting more fully their obligations under international labour Conventions, particularly in those cases where the Committee had previously found it necessary to formulate comments on the subject. These cases of progress make a significant contribution to the work of the I.L.O.

IV. Practical Application of Conventions

30. For the past several years the Committee has attempted to obtain and examine a maximum of information on the extent to which Conventions are applied in practice in the countries which have ratified them. These efforts to assess the degree of compliance, not only in law but also in actual fact, are based on the data to be found in the governments' reports to the I.L.O., in other documents or information supplied by them, as well as in any comments on the application of Conventions received from workers' or employers' organisations. Although data on the conformity of national legislation with binding international standards is generally more readily available and easier to evaluate, day-to-day implementation is of crucial importance and the Committee therefore intends to continue its attempts to ascertain the position in this field as well.

31. The question of practical application was particularly pertinent this year, when the Committee was called upon to carry out a comprehensive survey of the effect given to the I.L.O.'s standards on labour inspection in all States Members. The Committee has often in the past stressed the crucial importance of labour inspection as the best guarantee of effective enforcement: unless adequate administrative machinery exists for this purpose, doubts must inevitably arise as to whether the international and the corresponding national standards are in fact observed. In addition, labour inspection activities result in the regular publication of authoritative information regarding such matters as the number of workplaces inspected, the number of workers covered, violations and penalties, industrial accidents reported, etc. As the Labour Inspection Convention is now binding in 82 countries (64 States Members and 18 non-metropolitan territories), the publication of the annual general report on the work of the inspection services required by this Convention should provide a reliable source of information on these and related items. Reference is made in the above-mentioned survey¹ to the findings of the Committee as regards the publication and contents of the relevant government documents. The Committee hopes that progress towards fuller compliance with the Labour Inspection Convention in this respect will lead to a steadily increasing volume of data on practical application which will facilitate the task of the I.L.O.'s supervisory organs in carrying out their mandate in this particular sphere.

32. In addition to the published documents discussed above, the Committee must rely primarily on information provided by governments in their reports under article 22 of the Constitution, in response to the questions included in the forms of report adopted by the Governing Body. These forms often call specifically for particulars on such subjects as the number of workers covered by a ratified Convention, statistics of occupational accidents and diseases, figures on social security payments, wage data, etc. Among the reports on the Conventions for which such particulars are specifically requested, some 35 per cent. of these reports provided data of this kind. In a number of cases, governments were good enough to provide very full information; finally there are cases where only one-quarter or less of the reports concerned contained information of this kind (Australia, Bulgaria, Ceylon, Cuba, Cyprus, Finland, Guatemala, Haiti, Ivory Coast, Mali, Nicaragua, Niger, Pakistan, Peru, Philippines, Rumania, Senegal, Spain, Syrian Arab Republic, Tunisia, Uganda); in yet other instances, no information whatever was made available (Bolivia, Brazil, Cameroon, Congo (Leopoldville), Gabon, Hungary, Libya, Malaysia (States of Sabah and Sarawak), Mexico, Rwanda, Ukraine, Upper Volta, Venezuela).

¹ See Part Four of the present report, paras. 203-206.

The Committee therefore renews its appeal to governments to assist it in its task, by replying fully to all the questions in the forms of report which relate to the practical implementation of ratified Conventions.

33. As regards the supply of information in the reports on court decisions involving questions of principle in connection with the implementation of a ratified Convention, 20 States Members sent information of this kind in 30 cases, thus permitting the Committee to gain a clearer picture of the doubts and difficulties which may have arisen in giving practical effect to certain Conventions.

34. Among the potentially valuable sources of information available to it, the Committee has always attached special importance to any comments on the application of Conventions received from representative organisations of workers and employers. Comments of this kind are specifically referred to in the forms of report, but once again this year only a very limited number have come before the Committee: they relate to the application of Conventions in Austria (Conventions Nos. 81, 89, 94), Federal Republic of Germany (Convention No. 105), Greece (Convention No. 2), Italy (Convention No. 10), Libya (Convention No. 95), and Norway (Convention No. 29). In view of the active role which employers and workers are called upon to play in the formulation of international labour standards and in the supervision of their application, the Committee can only reiterate the wish, so often expressed in the past, that their representative organisations will make full use of the opportunity available to them in drawing attention to any difficulties encountered in the implementation of international labour Conventions binding in their countries.

V. Application of Conventions in Non-Metropolitan Territories

Declarations concerning the Applicability of Conventions

35. Since the Committee's last session a total of 48 declarations concerning the applicability of Conventions to non-metropolitan territories have been registered by the Director-General of the International Labour Office, pursuant to article 35 of the Constitution. Twenty-one of these declarations related to the application or acceptance of Conventions without modification, of which two referred to territories for whose international relations Australia is responsible, three to territories for which the Netherlands is responsible, and the remaining 16 to territories for which the United Kingdom is responsible. Eleven declarations (all by the United Kingdom) related to the application or acceptance of the Conventions concerned subject to modifications. The remaining declarations indicated that the Convention was inapplicable in the territory concerned or that a decision concerning its application was reserved.

36. At present the total number of declarations concerning the applicability of Conventions in non-metropolitan territories is 2,389. This total includes in particular 1,113 declarations of application or acceptance without modification and 157 declarations of application or acceptance with modifications.

Reports Examined

37. 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.

38. Of the total of 1,454 detailed reports on the application of Conventions in non-metropolitan territories due for the reporting period in question 1,313 reports (or 90.3 per cent.) have been supplied. Australia, France, New Zealand and the United States supplied all the reports due, and the United Kingdom 96.5 per cent. of the reports requested. On the other hand, Denmark supplied none of the reports due in respect of the Faroe Island and Greenland, and the Republic of South Africa none of the reports due for South West Africa.

39. As regards the contents of reports, the Committee noted once again that on information was given in the reports of a number of territories on the practical application of Conventions in respect of which the report forms call for specific particulars in this connection (Australia: Nauru, Norfolk Island, New Guinea, Papua; United Kingdom: Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gilbert and Ellice Islands, Grenada, Montserrat, St. Helena, St. Lucia, St. Vincent, Seychelles). The Committee accordingly renews its appeal to the governments concerned to ensure that the necessary information on practical application of applicable Conventions is supplied in the reports of all territories.

40. The Committee noted that the instrument of amendment of the Constitution adopted by the Conference in 1964, to delete article 35 and to insert in article 19 new provisions governing the application of Conventions to territories for whose international relations member States are responsible, has up to now been ratified or accepted by 39 States, but that the number of ratifications or acceptances required for its entry into force has not yet been attained. The Committee of Experts has noted the emphasis placed by the Conference Committee in 1965 on the importance of the early entry into force of this instrument, and will consider carefully the manner in which its existing procedures relating to the examination of reports of non-metropolitan territories will call for adaptation to the changes which will result from the new constitutional provisions.

VI. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

Introduction

41. In accordance with its terms of reference, the Committee this year examined the following information supplied by the governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

- (a) information on action taken to submit to the competent authorities, within the constitutional time limits of 12 or 18 months, the instruments adopted by the Conference at its 48th (1964) Session, namely: the Hygiene (Commerce and Offices) Convention (No. 120), the Hygiene (Commerce and Offices) Recommendation (No. 120), the Employment Injury Benefits Convention, (No. 121), the Employment Injury Benefits Recommendation (No. 121), the Employment

- Policy Convention (No. 122) and the Employment Policy Recommendation (No. 122);
- (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 47th (1963) Session (Conventions Nos. 87 to 119 and Recommendations Nos. 83 to 119);
 - (c) information on the arrangements existing in federal States on the submission to the competent authorities of the instruments adopted by the Conference;
 - (d) replies to the observations and direct requests made by the Committee during its 1965 Session.

48th Session

42. The Committee has noted with interest that the governments of the 41 member States listed below have stated that they have submitted to the competent authorities all the instruments adopted by the Conference at its 48th Session: Argentina, Australia, Byelorussia, Canada, Chad, China, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Denmark, Ethiopia, France, Federal Republic of Germany, Guinea, Haiti, Hungary, India, Indonesia, Israel, Ivory Coast, Japan, Kuwait, Liberia, Luxembourg, Mauritania, Morocco, New Zealand, Norway, Philippines, Portugal, Rumania, Spain, Sweden, Switzerland, Togo, Uganda, Ukraine, U.S.S.R., United Kingdom.

43. Moreover, the governments of six countries have submitted to the competent authorities certain of the instruments adopted at the 48th Session of the Conference, or have ratified at least one of the Conventions adopted at that session: Bulgaria, Jordan, Senegal, Syrian Arab Republic, Tunisia, United States.

44. 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 47th Sessions

45. The Committee has noted with satisfaction that since its last session the following 13 countries have submitted the instruments adopted at the 47th Session of the Conference, bringing the total number of countries having fulfilled this obligation in regard to the said instruments to 47: Austria, Congo (Brazzaville), Ethiopia, Finland, Greece, Ireland, Italy, Malagasy Republic, Niger, Portugal, Syrian Arab Republic, Togo, Uganda.

46. 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 Costa Rica, with respect to the Conventions adopted at the 46th Session and the Recommendations adopted at the 32nd, 33rd, 34th, 35th and 38th Sessions; Cuba, with respect to Conventions Nos. 109, 113, 114 and 116 and Recommendations Nos. 111 to 114, 116 and 117; Uruguay, with respect to all the instruments adopted from the 38th to the 46th Session.

47. 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

48. In section III of Part Two of this report the Committee makes individual observations on those points which it considers should be brought to the special attention of governments. As in previous years, requests have also been addressed directly to a number of governments on other points with a view to obtaining additional information; the States to which such requests have been addressed are listed at the end of the above-mentioned section III. In this connection the Committee notes with regret that, although it has repeatedly stressed the importance of governments replying to observations and requests made, a great number of the States concerned continue to ignore these comments.

49. The Committee expresses the hope that these governments will in future supply information as fully as possible in every case in reply to the requests and observations made, so that the Committee would be able to carry out its task as satisfactorily as possible.

50. In this regard the Committee recalls that, in order to be better able to evaluate the extent to which governments carry out their obligation under article 19, it requested the International Labour Office in 1965 to examine the information supplied by governments immediately upon receipt so as to ascertain whether its comments have been taken into account: if this was not the case, the Office was to contact the governments concerned and request the required information. The Committee notes with interest that this new practice has begun to produce some positive results. However, it wishes to point out that this practice will fulfil its purpose only if information is received, as quickly as possible, from the governments to which these comments are directed.

51. The Committee notes that only 41, just over one-third, of the 110 States which were Members of the Organisation at the 48th Session of the Conference have reported that all the instruments adopted at that session have been submitted to the competent authorities within the required time limits. In addition, six States have stated that they have submitted some of the instruments adopted at that session of the Conference to the competent authorities. The Committee once again expresses its deep concern at the very large proportion of member States which have failed to fulfil their obligation to submit to the competent authorities the instruments adopted by the Conference within the required time limits.

52. It cannot over-emphasise the fundamental importance of the obligation incumbent on member States, by virtue of article 19 of the Constitution of the I.L.O., to submit to the competent authorities the instruments adopted by the Conference. Neither can it satisfactorily continue to attribute, as it did in 1963, this deterioration of the situation in this field to the fact that certain new member States have encountered difficulties or are unaware of the specific bearing of their constitutional obligations, since it appears that certain other member States which have been Members of the Organisation for several years have not always observed their obligations in this matter. It expresses the firm hope that next year an appreciably larger proportion of countries will have fulfilled their obligations than for the present period. The information and explanations supplied by the governments to the Conference Committee in 1965 and the discussions which took place in that Committee would seem to indicate in fact that the governments now have a better understanding of the importance of the obligation under article 19 of the Constitution.

53. On the other hand, the Committee is pleased to note that certain governments (Costa Rica, Cuba, Malagasy Republic, Syrian Arab Republic and Uruguay) have

made considerable progress in submitting to the competent authorities various instruments adopted by the Conference at previous sessions, and that in other cases they have indicated that the difficulties which previously prevented them from fulfilling their obligations under article 19 have now been overcome.

54. The Committee deems it appropriate, however, to point out again this year that Conventions and Recommendations must be submitted to the competent authorities in all cases, even if it is not intended to ratify a Convention or to implement a Recommendation. In this connection the Committee recalls that the authorities to which the Conventions and Recommendations must be submitted are those which have the power to legislate on matters dealt with in these instruments. Admittedly, in respect of certain instruments, bodies other than the legislature may be empowered to take the necessary implementing measures. However, as was pointed out by the Conference Committee in 1965, even in this case it would be desirable to submit the instruments to the legislature, at least for information. The Committee hopes therefore that the countries which have not considered it necessary to submit Conventions and Recommendations to the legislative assemblies will re-examine their practice in this matter.

55. Furthermore, the Committee notes that several countries continue merely to indicate that the instruments adopted by the Conference have been submitted to the competent authorities or to the departments concerned without stating the nature of the said authorities and without supplying the information and documents specified in the Memorandum adopted in this connection by the Governing Body, and in particular the information concerning proposals and comments as regards the action to be taken on the instruments. The Committee feels bound once more to point out that the supply of the information and documents specified by the Memorandum is essential to show the extent to which member States fulfil appropriately their obligations under article 19.

Study on Federal States

56. The Committee in 1961 noted the exchange of views which took place in the Conference Committee in 1960 as regards the particular problems of federal States and the application of the special provisions provided for under article 19, paragraph 7, of the Constitution. With a view to examining these problems as a whole, the Committee requested the International Labour Office to send specially to the countries concerned a general request for information. This request was made in 1961 but, in order to collect as much information as possible, reminders were communicated in 1962, 1963 and again in 1965 to those States which had not replied to the previous requests. The Committee notes with appreciation that, of the 18 States to which this request for information was addressed, the following 12 States have supplied information on the application of the special provisions provided for under article 19, paragraph 7, of the Constitution: Argentina, Australia, Austria, Cameroon, Canada, Federal Republic of Germany, India, Nigeria, Switzerland, U.S.S.R., United States and Venezuela. The States which have not replied are the following: Brazil, Burma, Malaysia, Mexico, Pakistan and Yugoslavia.

57. The general survey of the information supplied by the governments on this question will be found in Part Three of this report.

58. The Committee trusts that, in the light of the foregoing considerations as regards submission to the competent authorities in general and the special provisions for federal States in particular, the governments concerned might consider the improvements which could be made to the situation.

VII. Reports Submitted by Governments on One Unratified Convention and on Two Recommendations

59. The reports which governments were requested by the Governing Body to supply under article 19 of the Constitution related to three instruments dealing with labour inspection: the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection Recommendation, 1947 (No. 81) and the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82).

60. The number of reports received from States Members, under article 19 of the Constitution, on this Convention and these Recommendations reached 215 out of a total of 296 reports requested, i.e. 72.6 per cent., somewhat less than the corresponding figure last year. Moreover, 70 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 Four of this report.

61. The Committee's general conclusions arising from the examination of the reports on the instruments mentioned in paragraph 59 above will be found in Part Four 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 Convention.

62. 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 three members of the Committee chosen by it at its previous session.

* * *

63. The Committee would like to emphasise once again the important assistance rendered to the Committee by the officials of the I.L.O. whose competence and devotion to duty have earned the appreciation of every member of the Committee.

Geneva, 25 March 1966.

(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

Afghanistan. The Committee notes with regret that the reports due, including two first reports (Conventions Nos. 105 and 106) have not been received. The Committee hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Albania. The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Algeria. The Committee notes with regret that only one of the 28 reports due has been received. It trusts that in future all the reports due on the application of ratified Conventions will be supplied.

Argentina. The Committee notes, as regards the observations previously made concerning the application of a large number of Conventions (Nos. 13, 17, 22, 23, 42, 50, 68, 73, 77, 78, 79, 81, 90), that the Government's reports do not supply any information on progress made with regard to measures previously announced, in some instances for many years, in order to meet these observations. A Government representative had promised the Conference Committee in 1965 that these measures would be adopted shortly. The Government merely indicated, in forwarding its reports, that it would supply before the 50th Session of the Conference a supplementary report accompanied by drafts of legislative provisions intended to bring national legislation into conformity with the Conventions in question.

The Committee must note with regret, in these circumstances, that the necessary measures appear to have reached only the drafting stage and that it has not been in a position to examine the progress made with a view to the application of the Conventions in question. The Committee hopes that the supplementary report mentioned by the Government will contain detailed information on this matter and that the legislative provisions envisaged will be adopted without further delay.

Bolivia. The Committee notes that the reports do not state whether copies thereof 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.

Burundi. The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Chad. The Committee notes that the reports do not indicate whether copies thereof 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 future reports will indicate whether this has been done.

Dominican Republic. The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Ecuador. The Committee noted that a Government representative informed the Conference Committee in 1965 of the Government's intention to discharge in future its obligations to supply reports and in particular to request assistance from the I.L.O. with a view to setting up in the Ministry of Labour a service to deal with questions relating to Conventions and Recommendations.

The Committee must therefore note with regret that once more the reports due have not been received, including eight first reports, among which two (Conventions Nos. 2 and 24) were due for the third time, and six (Conventions Nos. 35, 37, 39, 103, 105, 111) for the second time.

As the Government has failed since 1962 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 observance of the Conventions which it has ratified.

Guinea. The Committee notes with regret that the reports due, including one first report (Convention No. 105) have not been received. The Committee hopes that the Government will not fail in future to fulfil its obligation to report on the application of ratified Conventions.

Honduras. The Committee notes that, for the third year in succession, the reports due have not been received. This situation is all the more regrettable in that the Government has, in particular, not supplied five first reports, four of which had been requested for the fourth time (Conventions Nos. 78, 106, 108, 111).

The Committee can only express its serious concern at this persistent failure to fulfil the fundamental obligation to report on ratified Conventions.

Hungary. The Committee notes that the reports do not state whether copies thereof 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.

Indonesia. The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Iraq. The Committee notes that only two of the 15 reports indicate that copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution. Since this is the third year in succession that the Committee has drawn the Government's attention to this point, the Committee trusts that in future all reports will indicate whether copies thereof have been so communicated.

Jordan. The Committee notes with regret that the reports due, including three first reports (Conventions Nos. 111, 117 and 118) have not been received. The Committee hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Kuwait. The Committee notes that the reports do not state whether copies thereof 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.

Laos. The Committee notes with regret that the reports due have not been received. It hopes that in future the Government will not fail to discharge its obligation to report on the application of ratified Conventions.

Lebanon. The Committee notes with regret that none of the seven first reports due—of which one (Convention No. 14) was requested for the third year and six (Conventions Nos. 26, 45, 52, 81, 89, 90) for the second year—has been received. The Committee is bound to point out this persistent failure to discharge the obligation to report on ratified Conventions, and it trusts that in future the Government will not fail to satisfy this fundamental obligation.

Libya. The Committee notes that the reports do not indicate whether copies thereof 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 future reports will indicate whether this has been done.

Mauritania. The Committee notes that 11 of the 21 reports received do not indicate whether copies thereof 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 in future all the reports will indicate whether this has been done.

Mexico. The Committee has been concerned for a number of years with cases where the national legislation was not formally in accordance with the terms of certain ratified Conventions but where the relevant Convention was deemed, in pursuance of Article 133 of the national Constitution, to have automatically acquired force of law, thus revising implicitly any previous legislation contrary to the Convention. The Committee had pointed out that in such cases employers, workers, judges, labour inspectors or any other interested persons would be unable, merely by referring to the legislation, i.e. primarily the Federal Labour Act, to ascertain the rights and obligations involved. The Committee had therefore considered that to remove any doubts and uncertainty it would be desirable to amend expressly those provisions of the legislation which had been superseded by a ratified Convention, in pursuance of article 133 of the Mexican Constitution. The Committee had also stressed that pending such formal amendment, all interested persons should be made aware of those provisions of a ratified Convention which had revised the legislation previously in force.

In these circumstances the Committee was most interested to learn from the reports on Conventions Nos. 8, 13, 22, 42, 43, 49, 52 and 90 that the Government has decided, in response to the Committee's observations, to give publicity to these Conventions in the near future through the inclusion, under certain sections of the Federal Labour Act, of a note indicating that the relevant provisions of the Conventions have acquired force of law in the country by virtue of Article 133 of the Constitution. The Committee looks forward to receiving a copy of the document published for this purpose and trusts that the measures thus taken will prove of material assistance, as stated by the Government, in "dissipating any doubt regarding the effective application (of the Conventions) in Mexico".

Nicaragua. The Committee notes that in its reports concerning the application of a number of Conventions, the Government refers to draft amendments of the labour legislation intended to bring it into conformity with ratified Conventions. It also notes with interest the statement made by a Government representative to the Conference

Committee in 1965 that these Bills would shortly be submitted to Congress for adoption.

In view of the fact that it has for many years had to draw the Government's attention to numerous discrepancies between the legislation and ratified Conventions, the Committee hopes that the legislative amendments envisaged will shortly be adopted and will give full effect to the Conventions in question, as regards the points to which it again refers in its individual observations or requests.

Panama. For the sixth year in succession the reports on the ten Conventions ratified by this country have not been received. Nine of these are the first reports after ratification and have been due for seven years (Conventions Nos. 3, 12, 17), six years (Conventions Nos. 52, 87, 100) and five years (Conventions Nos. 30, 42, 45) respectively.

The Committee noted the discussions which took place in the Conference Committee in 1965 regarding Panama's persistent failure to comply with the reporting obligation under article 22 of the I.L.O. Constitution. A Government representative indicated in particular that, with the proposed setting up of a Ministry of Labour and the recent appointment of a permanent representative in Geneva who would ensure close relationship with the I.L.O., the situation would be improved and the Government would be able to comply with its obligations.

The Committee regrets in these circumstances that once again the reports have not been supplied so that it is unable to ascertain whether Panama is securing the effective observance of the Conventions it has ratified. The Committee must draw the renewed attention of the Governing Body and of the Conference to this serious situation.

Rwanda. The Committee notes, as regards the reports on a number of Conventions, that the Government merely refers to the information supplied for the previous period and indicates that it is now studying the draft of a new Labour Code and the regulations for its application, as well as the possibility of amending the law on social security and the preparation of regulations for its application. The Committee notes these proposals with interest; it hopes that the new legislative provisions will shortly be adopted and that they will give full effect to the ratified Conventions, in particular concerning the points previously raised by the Committee, and again mentioned in regard to the relevant individual Conventions. The Committee also wishes to draw the attention of the Government to the requirement under the Constitution of the I.L.O. to supply detailed reports concerning ratified Conventions, and hopes that future reports will be drawn up in the manner required.

Republic of South Africa. The Committee notes with regret, as in 1965, that the Government has not sent any of the reports due on the application of the Conventions ratified by the Republic of South Africa.

In 1964 the Committee had indicated that it had been informed that by letter of 11 March 1964 the Government of the Republic of South Africa had notified the Director-General of its decision to withdraw from the I.L.O. It had already noted in this connection that article 1, paragraph 5, of the Constitution of the I.L.O. provides as follows: "No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto."

The Committee had also noted that the Director-General had informed the Government of the Republic of South Africa that it would continue to be bound by the obligations arising under the Conventions which it had ratified, or relating thereto, even after the date from which its withdrawal from the Organisation became effective.

The Committee therefore draws the Government's attention to its obligation to supply the reports due concerning the application of the Conventions ratified by the Republic of South Africa (Conventions Nos. 2, 19, 26, 42, 45, 63, 89) and to the observations which it makes in its present report regarding the application of certain of these Conventions (Nos. 42, 89).

Tanzania (Zanzibar). The Committee notes that, for the second year in succession, the reports received relate to the application of the Conventions in Tanganyika, but that no report has been supplied for Zanzibar. The Committee trusts that in future all the reports due will be communicated.

Trinidad and Tobago. The Committee notes with regret that, for the second year in succession, the reports due have not been received. It trusts that in future the Government will not fail to discharge its obligation to report on ratified Conventions.

U.S.S.R. The Committee notes that a Government representative in the Conference Committee in 1965 again gave an assurance that the new Labour Codes of the various republics of the Union would be forwarded as soon as they had been adopted. The Committee, which does not have the text of the Codes of the majority of these republics, has for several years expressed the wish to consult these Codes, and it trusts that the proposed texts, when adopted, and those currently in force will be forwarded without further delay.

Upper Volta. The Committee notes that the information supplied by the Government merely indicates that it is examining the observations made previously and that studies are in progress with a view to amending the legislation in order to bring it into conformity with ratified Conventions. The Committee notes this proposal with interest and hopes that future reports will indicate the measures taken or progress made in the various cases where it had made observations or requests, which it again addresses to the Government this year. The Committee must also draw the attention of the Government to the obligation under article 22 of the I.L.O. Constitution to supply detailed reports on the application of ratified Conventions.

The Committee notes moreover that the reports do not state 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 in future the reports due will be supplied in the manner laid down in the forms of report approved by the Governing Body and that they will indicate whether copies thereof have been communicated to the representative organisations.

Uruguay. In reply to the Committee's previous observations, a Government representative informed the Conference Committee in 1965 that, with the setting up of a permanent mission of Uruguay in Geneva in 1964, the situation as regards the supply of reports would be satisfactory as from the following year.

The Committee must therefore note with regret that the reports due have not been received. It hopes that in future the Government will not fail to discharge its obligation to report on the application of ratified Conventions.

Venezuela. The Committee notes with regret that the reports due have not been received. It hopes that in future the Government will not fail to discharge its obligation to report on the application of ratified Conventions.

Viet-Nam. The Committee notes with regret that for the second successive year the reports due, including one first report (Convention No. 81), have not been received. It hopes that in future the Government will not fail to discharge its obligation to report on ratified Conventions.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Iceland, Israel, Morocco, Nicaragua, Peru, Portugal, Spain.*

B. INDIVIDUAL OBSERVATIONS

Convention No. 1: Hours of Work (Industry), 1919

Canada (ratification: 1935). Referring to its previous requests, the Committee notes with satisfaction that the new Labour Standards Code of 1965 provides for maximum working hours and other requirements, in general conformity with the Convention, for federal works and undertakings. However, as regards working hours in undertakings within provincial jurisdiction, the Committee finds that the Government has not yet communicated the general survey on the effect given to the provisions of the Convention in each province, requested in 1961 and 1963.

The Committee has listed, in a direct request, a series of points where the provincial legislation appears insufficient for ensuring the application of the Convention. While noting that the average weekly hours of work are in practice lower than those prescribed by the Convention, the Committee trusts that it will be possible by means of concerted and progressive action to bring the hours-of-work legislation throughout Canada into increasingly full accord with the requirements of the Convention.

Czechoslovakia (ratification: 1921). Referring to its previous observations, the Committee notes with satisfaction that the Labour Code of 16 June 1965 has introduced a new and lower maximum figure as regards the number of additional hours permitted.

Dominican Republic (ratification: 1933). The Committee notes with regret that the report for 1963-64 contains no information in reply to its comments and that the report for 1964-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

[The Committee refers to] the statement made by a Government representative to the Conference Committee in 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 30 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 hopes that the Government will make every effort to take the necessary action without further delay.

Nicaragua (ratification: 1934). The Committee notes with interest that the proposed amendment of the Labour Code, to which the Government has already referred in previous reports, is to ensure the better implementation of the Convention. It trusts that this text will meet all the points raised in the previous observations and direct requests and will soon come into force.

Spain (ratification: 1929). The Committee notes from the Government's reply to the Conference Committee in 1965 that the proposed general labour law is still under consideration, and that there have therefore been no developments since it made its last observation. The Committee welcomes, however, the Government's assurance of its readiness to take appropriate measures, as it had done in the past.

Accordingly the Committee refers once again to its previous observations and requests on Convention Nos. 1 and 30 and recalls that it is unable to assess the effect given to these Conventions because of the multiplicity of texts applicable in regard to hours of work. The Committee reiterates the hope that the draft (which has been under consideration since 1958) will be promulgated without delay and that it will remove any obscurities or divergencies as regards the application of the Conventions.

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, 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 any 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 requested.

Venezuela (ratification: 1944). The Committee notes with regret that the report for 1963-64 does not contain any information in reply to the direct requests and observations made since 1961, 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 can only address a further appeal to the Government to adopt the necessary measures in the near future.

It notes, moreover, the statement made by a Government representative to the Conference Committee in 1965 that, although the legislation has not so far been suitably amended, various collective agreements applying to a large number of workers contained fully satisfactory standards. The Committee requests the Government to kindly supply copies of these agreements.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Canada, Czechoslovakia, Dominican Republic, Pakistan, Spain.*

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Convention No. 2: Unemployment, 1919

Austria (ratification: 1924). Further to its previous observations, the Committee notes with interest that the new Placement Bill which provides in particular for the co-ordination of public and private employment agencies has been submitted to the Council of Ministers. The Committee hopes that this Bill will be adopted in the near future so as to give effect to Article 2, paragraph 2, of the Convention which prescribes the co-ordination of such agencies on a national scale.

Chile (ratification: 1933). In its previous observations the Committee has drawn attention to the necessity of setting up a system of public employment agencies (so far only a pilot employment service in Santiago has been established) and of appointing the advisory committees, required by Article 2 of the Convention. As the report indicates no progress in this respect, the Committee can only urge the Government once more to take all necessary measures to give effect to the Convention.¹

Ireland (ratification: 1925). Further to its direct requests regarding the application of Article 2, paragraph 1, of the Convention, the Committee notes with interest, from the Government's reply, that a Manpower Advisory Committee including employers' and workers' representatives is to be set up in the near future. The Committee hopes that the next report will indicate the progress achieved in this respect.

Nicaragua (ratification: 1934). Further to its previous observations and direct requests, the Committee notes with interest from the Government's report that a draft amendment to section 12 of the Labour Code envisages the creation of the advisory committees required by Article 2, paragraph 1, of the Convention. The Committee trusts that this amendment will be enacted in the near future.

In its previous observation the Committee had also asked the Government to supply information on the number of public employment agencies established (Article 2, paragraph 1), indicate whether there are any private employment agencies and, if so, whether their operations are co-ordinated with those of the public agencies (Article 2, paragraph 2). As the report merely indicates that there exist public employment agencies "in the main towns" of the country, the Committee hopes that the Government will provide fuller information regarding the points mentioned above.

Sudan (ratification: 1957). Further to its previous comments, the Committee notes with interest from the report that the Government intends to establish a Manpower Council including employers' and workers' representatives, which will act as an advisory body on employment matters. The Committee hopes that the advisory body in question will be appointed at an early date so as to comply with Article 2, paragraph 1, of the Convention.

The Committee also notes from the report that a draft amendment of the Employment Exchanges Ordinance, which is to permit the employment agencies to register all persons seeking employment including those excluded from the scope of the Ordinance, is to be submitted to the Constituent Assembly. As the report for 1960-62 already referred to the proposed extension of the employment service facilities to all applicants for employment, the Committee hopes that the above-mentioned amending legislation will be adopted in the near future.

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Further to its previous observations, the Committee notes that, according to section 9 of the draft Bill for the creation of a national employment service, the executive branch is required to set up advisory committees only when it considers such a measure to be opportune. As Article 2, paragraph 1, of the Convention requires such committees to be appointed to advise on matters concerning the carrying on of the public employment agencies, the Committee trusts that section 9 of the draft Bill will be amended to require the establishment of advisory committees immediately upon the creation of a national employment service and that such a service will be set up in the very near future.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Venezuela (ratification: 1944). In 1962, 1964 and 1965 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: *Spain, Syrian Arab Republic, Venezuela*.

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Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

Convention No. 3: Maternity Protection, 1919

Chile (ratification: 1925). The Committee notes with satisfaction that, following its previous observations, Act No. 16317 of 9 September 1965, which amended sections 162 and 315 of the Labour Code, provides for an extension to female salaried employees of the right to nursing breaks (Article 3 (*d*) of the Convention).

The Committee hopes that the Government will also be able to take into account, when the Code is next amended, the observations and requests made regarding the application of Article 4 of the Convention (absolute prohibition of dismissal during maternity leave).

Colombia (ratification: 1933). The Government's report having been received just before the opening of its meeting, the Committee, which had previously made an observation and a direct request on the application of the Convention, must defer until its next session the examination of this report.

Federal Republic of Germany (ratification: 1927). Following its earlier observations, the Committee notes with satisfaction that the Maternity Protection Act of 1952 has been amended by the Act of 24 August 1965 so as to provide for a minimum of two nursing breaks of half an hour each per day as required by Article 3 (*d*) of the Convention.

As regards Article 3 (*c*) (maternity benefits), the Government states that under the new Act all women workers covered by the Act of 1952 are entitled to benefit under the Social Insurance Code. In view of the fact, however, that the new Act has raised, but not abolished, the ceiling on earnings governing the eligibility for maternity insurance coverage of certain categories of salaried employees, and that the Social

Assistance Act of 1961, to which the Government has referred in the past, does not appear to cover such employees, the Committee hopes that the necessary action will soon be taken to bring the national legislation fully into line with the Convention, which does not provide for such restrictions. The Committee requests the Government to indicate in its next report what progress has been made in this respect.

As regards Article 4 of the Convention (prohibition of dismissal for any reason whatsoever during the absence of a woman on maternity leave), the Committee notes with regret that the new Act contains no improvement in this respect, and urges the Government to take the necessary measures in the near future.

Nicaragua (ratification: 1934). Referring to the observations and requests made over a number of years, the Committee notes with interest that the proposed amendments to the Labour Code, now being prepared, provide for the prolongation of prenatal leave in the event of a mistake in estimating the date of confinement and the granting of two half-hour nursing breaks per day (Article 3 (c), last part of the sentence, and Article 3 (d) of the Convention).

The Committee has likewise noted the Government's intention of possibly amending the National Constitution in part in order to bring Article 95 (10) into line with Article 3 (a) and (b) of the Convention and section 129 of the present Labour Code, which provide for a 12-week maternity leave. The Committee hopes that the aforementioned amendments will be effected in the near future, the more so since the social security scheme, which appears to give effect to the provisions of the Convention, is at the moment applicable to only part of the national territory and of the country's workers.

The Committee also wishes to draw attention to the following points:

Article 3 of the Convention (scope). The Government states that under the national legislation the members of an employer's family are excluded from the insurance scheme in so far as their labour is not remunerated. In view of the fact that the "remuneration" to which the Government refers may consist entirely of benefits in kind (board and lodging), particularly in the case of members of the employer's family, and that the Convention is designed to limit such exclusion to establishments in which only members of the same family are employed (the fact being that if there is a single worker in an undertaking who is not a member of the family the undertaking becomes subject to the Convention¹), the Committee hopes that action will be taken to bring the national legislation into line with the Convention.

Article 3 (c) (maternity benefit). It seems from the Government's report that maternity benefit for women workers not covered by the insurance scheme is payable by the employer. The Committee hopes that as the social security scheme becomes more generalised the employer will soon no longer be required to shoulder the burden of such benefit himself.

Article 4 (prohibition of dismissal). The Government again states that under the Labour Code a woman may be dismissed only for legitimate reasons, listed in section 119 of the Code, and adds that this provision does not run counter to the spirit of the Convention. However, the latter instrument prohibits entirely the dismissal of a woman during the specified period of her maternity leave, and stipulates, in particular, that her dismissal is prohibited not only during her absence from work but also at such a time that the notice would expire during her absence. It should

¹ See I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 49th Session, Geneva, 1965 (Geneva, 1965), Part Three, para. 78, footnote 1.

nevertheless be pointed out that this prohibition does not, for example, oblige an employer discovering a serious fault on the part of one of his women employees to maintain her employment contract because she is pregnant, despite reasons justifying dismissal, but merely to extend the legal period of notice by a supplementary period equal at most to the time required to complete the period of protection provided for by the Convention.¹ In these circumstances the Committee hopes that the necessary action can be taken to bring the national legislation fully into line with the Convention on this point also.

Rumania (ratification: 1921). The Committee notes with satisfaction that section 16 of Resolution No. 880 of the Council of Ministers and the Central Council of Trade Unions dated 20 August 1965 has given effect to its previous requests concerning the application of Article 4 of the Convention, which prohibits the dismissal of a woman worker during her absence on maternity leave.

Venezuela (ratification: 1944). Further to the observations and requests made for a number of years, the Committee notes that the Government's latest report contains no new information which might throw light on the application of the following Articles of the Convention: Articles 1 and 3 (scope) and Article 3 (c) (entitlement to maternity benefit of certain women workers not covered by the insurance scheme, and in the event of a mistake in estimating the date of confinement).

The Committee hopes that the next report will contain detailed information with respect to these points, to which attention is drawn again in a direct request.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Chile, Colombia, Rumania, Venezuela*.

Convention No. 4: Night Work (Women), 1919

Afghanistan (ratification: 1939). The Committee notes from the statement made by a Government representative to the Conference Committee in 1965 that section 81 (c) of the draft Labour Code specifically prohibits the employment of women by night. On the other hand the Committee notes with regret that the Government has not supplied any report on the progress made in adopting the draft Labour Code. As the enactment of this Code has been under consideration since 1957 the Committee trusts that the necessary action will be taken without further delay, so as to give effect to the Convention.²

Austria (ratification: 1924). See under Convention No. 89.²

Chile (ratification: 1931). Further to its previous observations, the Committee notes with satisfaction that Act No. 16311 of 29 September 1965 extends the night work prohibition for women laid down in Part II, section 48, of the Labour Code to all women employees in industrial undertakings (whether engaged in manual work or not), in compliance with Article 3 of the Convention.

¹ See *Report of the Committee of Experts*, op. cit., Part Three, para. 200.

² The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Guinea (ratification: 1959). As, under section 146 of the Labour Code, night work by women in industry is governed by the provisions of the Night Work (Women) Convention (Revised), 1948 (No. 89), which authorises certain exceptions not permitted by Convention No. 4, the Committee notes with interest, from the Government's reply to the previous requests, that the formal ratification of Convention No. 89 is to be communicated at an early date.

Nicaragua (ratification: 1934). Following its previous observations, the Committee notes with interest from the report that an amendment of sections 125 and 126 of the Labour Code currently before the legislature will prohibit night work by women and young persons under 18 years of age in all industrial undertakings. The Committee trusts that the said amendment will be adopted at an early date so that the basic provisions of Conventions Nos. 4 and 6, which were ratified more than 30 years ago, will be implemented without further delay.

At the same time the Committee wishes to draw attention to the fact that under section 50 of the Labour Code, referred to in the report, the night period covers only ten hours (between 8 o'clock in the evening and 6 o'clock in the morning), whereas under Article 2 of the Convention the term "night" signifies a period of at least 11 consecutive hours. The Committee hopes that this point will also be taken into account in modifying the legislation in question.

Peru (ratification: 1945). The Committee regrets to note that no progress has been made in eliminating the discrepancy 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 undertakings influenced by the seasons and in exceptional circumstances). As the Committee has drawn the Government's attention to this discrepancy since 1950 it reiterates the hope that the Labour Code now in preparation will bring the legislation into full conformity with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Laos, Portugal, Rwanda, Spain, Tunisia*.

Convention No. 5: Minimum Age (Industry), 1919

Bolivia (ratification: 1954). The Committee notes that according to the new draft Labour Code prospective apprentices must be at least 14 years old and that in practice children under 14 years of age are not employed even as apprentices. In these circumstances it trusts that the new draft Labour Code will speedily be adopted in order to ensure the better application of the Convention.

Moreover, the Committee notes that Article 4 of the Convention is applied by Supreme Decree of 15 January 1942, which requires employers to keep a register including workers' ages.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Guinea, Tanzania (Zanzibar)*.

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Information supplied by *Mali* and *Senegal* 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 for 1964-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, 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.

The Committee trusts that the Government will make every effort to take the necessary action without further delay.

Chile (ratification: 1925). Further to its previous observations, the Committee notes with satisfaction the adoption of Act No. 16311, dated 29 September 1965, which extends the night work prohibition to all young persons in industrial undertakings, whether engaged in manual work or not (Article 2 of the Convention).

France (ratification: 1925). The Committee thanks the Government for the text of the circular dated 4 December 1961 instructing labour inspectors to give special attention to the observance in bakeries of sections 22 and 23 of Book II of the Labour Code prohibiting the employment at night of young persons. The Committee has also noted with interest the statement in the report that the Government will take the terms of the Convention into account in the course of a general study of the conditions of work of young persons. As another circular dated 4 July 1894 excluded small-scale food industries (and bakeries) from the application of the above sections of the Code, the Committee hopes that it will be possible in connection with this general study to ensure compliance between the legislation and the Convention as regards the undertakings in question, which are covered by the Convention in pursuance of Article 1, paragraph 1 (b).

Guinea (ratification: 1959). The Committee notes with regret that the Government's report contains no information in reply to the following direct request made in 1962 and repeated in 1964 and 1965:

Article 2, paragraph 2, of the Convention. It appears from the Government's statement that children over 16 may be employed during the night on work in connection with perishable goods. The Committee wishes to point out that this is not an exception provided for in Article 2, paragraph 2, of the Convention and would be grateful if the Government would consider taking measures to ensure full conformity with the Convention on this point.

Article 4. The Committee would be grateful if the Government would indicate in the next report whether any temporary exceptions have been authorised.

The Committee also notes that Orders under the Labour Code are being prepared and hopes that the next report will contain the text of any such Orders issued.

The Committee trusts that the Government will take appropriate measures and supply information on the points mentioned above in its next report.

Hungary (ratification: 1928). Further to its previous observations the Committee notes that, according to the findings of a study referred to in the 1962-63 report, the

number of adolescents over 16 years of age employed at night in industry is constantly diminishing. It further notes that the Government is pursuing its efforts to secure the gradual introduction of legislative measures designed to satisfy the requirements of Article 2 of the Convention (prohibition of night work in the case of young persons between the ages of 16 and 18 years in industrial undertakings).

As the Committee has drawn attention to this matter since 1955, it can only express the hope that the above-mentioned efforts will soon be successful so as to give full effect to the provisions of the Convention.

Nicaragua (ratification: 1934). See under Convention No. 4

Togo (ratification: 1960). Further to its previous comments the Committee notes with satisfaction that Order No. 283/MTAS-FP dated 9 September 1964, limits the possibility of authorising exceptions from the night work prohibition to the cases specified in Article 2, paragraph 2, of the Convention.

Venezuela (ratification: 1933). The Committee notes with regret that the Government's report contains no information in reply to the direct request made in 1963 and repeated in 1964 and 1965, which read as follows:

The Committee notes . . . that under section 108 of the Labour Act Regulations young persons may work until midnight.

This exception is not in conformity with Articles 4 and 7 of the Convention, which limit exceptions to cases of *force majeure* or of serious emergency where the public interest demands it, and which are only applicable to young persons over 16 years of age. The Committee hopes that the legislation will be amended so as to specify the types of exceptions and the age limit in accordance with the Convention.

The Committee trusts that the Government will take the measures referred to about without further delay.

Viet-Nam (ratification: 1953). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

As section 171 of the Labour Code still authorises exceptions (for industries in which raw materials or goods subject to rapid deterioration are treated) which go beyond those permitted under Article 2, paragraph 2, of the Convention (in respect of young persons over the age of 16 years occupied in a limited number of industries specified in the Article), the Committee hopes that the above section will be amended so as to bring it into conformity with the Convention.

The Committee hopes that section 168 of the Code will also be amended in order to ensure that the night-work prohibition applies both to young persons who are manual workers (*ouvriers*) or apprentices and to young persons who may be employed in industrial undertakings on non-manual work.

The Committee hopes that the Government will make every effort to take the necessary action.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Burma, Dahomey, France, Ireland, Laos, Mauritania, Portugal, Rumania, Senegal, Spain, Switzerland, Tunisia, Upper Volta.*

Convention No. 7: Minimum Age (Sea), 1920

Nicaragua (ratification: 1934). Following its previous observations the Committee notes with interest that in virtue of the draft revision of the Labour Code,

children under the age of 15 years will not be permitted to be employed on ships and the shipmaster will have to keep a register of all persons under the age of 18 years employed on board his vessel.

The Committee hopes that this draft legislation will be adopted in the near future, thus bringing the national legislation into harmony with Articles 2 and 4 of the Convention.

Venezuela (ratification: 1944). The Committee notes with regret that the 1962-64 report gives no information in reply to 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 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, a request regarding certain other points is being addressed directly to *Tanzania (Zanzibar)*.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

Mexico (ratification: 1937). With respect to the divergences between section 126, subsection XII, of the Federal Labour Act and Article 2 of the Convention, see under Mexico in the General Observations.

Nicaragua (ratification: 1934). The Committee notes with interest that a proposal for the amendment of section 155 of the Labour Code has recently been submitted to the National Congress with a view to giving effect to the Committee's earlier observations with respect to Article 2, paragraph 2, of the Convention (indemnity against unemployment payable in the event of loss of earnings, the total amount of which may be limited to two months' wages).

The Committee hopes that the proposed amendment will be approved in the near future and that information will be given in the next report as to the progress made in this respect.

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In addition, a request regarding certain other points is being addressed directly to *Jamaica*.

Convention No. 9: Placing of Seamen, 1920

Colombia (ratification: 1933). The Government's report having been received just before the opening of its meeting, the Committee, which had previously made an observation on the application of the Convention, must defer until its next session the examination of this report.

Nicaragua (ratification: 1934). Further to its previous observations, the Committee notes with interest from the report that a draft amendment to section 12 of the Labour Code is to prohibit fee-charging placement agencies and to provide for the creation of advisory committees (Article 2, paragraph 1, and Article 5 of the

Convention). The Committee trusts that this amendment will be enacted in the near future and that the next report will indicate progress achieved in this respect.

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In addition, a request regarding certain other points is being addressed directly to *Nicaragua*.

Convention No. 10: Minimum Age (Agriculture), 1921

A request regarding certain points is being addressed directly to *Spain*.

Information supplied by *Gabon*, *Malta* and the *United Kingdom* in answer to direct requests has been noted by the Committee.

Convention No. 11: Right of Association (Agriculture), 1921

Chile (ratification: 1925). The Committee stated in 1965 that it understood the Government to have prepared, with the assistance of an I.L.O. expert, a Bill on trade union organisation, the provisions of which would apply without distinction to industrial workers and persons engaged in agriculture. The Committee notes that a Government representative to the Conference Committee in June 1965 stated that the Bill had been submitted to the House of Representatives.

The Committee observes that in its latest report the Government repeats that this Bill has been submitted to the House of Representatives, but makes no reference to the present situation.

The Committee trusts once more that there will be no further delay in the adoption of the above-mentioned Bill, so that the national legislation may at last be brought into full harmony with the Convention in Chile, where as is stated in the statement introducing the Bill in question, "in patent contradiction with the standards applied in all democratic countries . . . practically the whole of the rural population is excluded from trade union activities".

The Committee also takes note of the Government's statement in a supplementary report that another Bill has been tabled which refers specifically to agricultural trade unions.

The Committee would be grateful if the Government would be good enough to append a copy of the Bill to its next report and give detailed particulars of all the measures taken in this connection. The Committee trusts that this second Bill contains no provision in conflict with the guarantee provided for in the Convention that persons engaged in agriculture shall have the same rights of association and combination as industrial workers.¹

Nicaragua (ratification: 1934). Regarding the observation which has been made, over a period of several years, concerning the difference existing between persons engaged in agriculture and industrial workers in present legislation on the rights of association and combination, the Committee notes with interest the Government's indication in its report that the draft decree to repeal section 6 of the Regulations of Trade Union Associations, of 9 April 1951, establishing the said differences, has already been submitted to the President of the Republic.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

The Committee trusts that the said draft decree will be approved shortly, thus bringing national legislation into harmony with the provisions of the Convention, and requests the Government to indicate in its next report any measures taken in this respect.

Venezuela (ratification: 1944). The Committee regrets that the Government has not supplied the report for 1964-65. The Committee notes that the report for 1963-64, which was received too late for examination by the Committee in 1965, does not contain any new information.

Since 1960 the Committee has drawn the Government's attention to a number of discrepancies between the Labour Law, from the scope of which agricultural work is excluded, and the Regulations concerning Work in Agriculture. These discrepancies, which restrict the rights of association and combination of agricultural workers, and are therefore contrary to the provisions of Article 1 of this Convention, arise from sections 109 (last paragraph), 124, 128 and 136 of the Regulations concerning Work in Agriculture which provide, respectively, for certain measures of supervision of the trade unions by the Labour Inspectorate, for restrictions in the election of trade union leaders, for the impossibility for workers to form trade unions unless they are resident within the jurisdictional boundaries of a given inspectorate and for certain limitations on the right to strike, but apply only to agricultural workers. Furthermore, in the Regulations relating to agricultural workers no provision exists similar to section 198 of the Labour Law, which provides for special protection against the dismissal of trade union leaders.

The Government, without failing to recognise the existence in the legislation of such discrepancies between the rights of workers in industry and workers in agriculture, has on various occasions pointed out the importance which, in practice, collective agreements and the Law relating to Agrarian Reform have in placing all such rights on the same level and has referred to various draft regulations concerning work in agriculture in which defects in the present law could be remedied. However, the Committee notes that in the last report there was no reference to any draft regulations concerning agricultural work, and it must therefore emphasise the need to repeal or suitably amend the above-mentioned provisions of the Regulations, in order to guarantee to all persons engaged in agriculture the same rights of association and combination as those enjoyed by workers in industry.

The Committee trusts that the Government will do everything possible to make such amendments without delay, and it requests the Government to keep it fully informed of any action taken in this respect.

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In addition, a request regarding certain other points is being addressed directly to *Yugoslavia*.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

Bulgaria (ratification: 1925). With reference to the request made in 1964, the Committee notes with satisfaction that section 150 (*a*) of the Labour Code has been repealed by Decree No. 803 of 30 December 1964, and that salaried and wage-earning employees on state-run and co-operative farms now enjoy the same rights as other salaried and wage-earning employees in the case of all forms of compensation for temporary incapacity for work, including workmen's compensation.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Nicaragua*, *Peru*.

Convention No. 13: White Lead (Painting), 1921

Argentina (ratification: 1936). A Government representative to the 49th Session of the Conference stated that a Bill to bring national legislation into conformity with this Convention was under preparation and that this Bill would soon be adopted. As, however, despite the assurance repeatedly given by the Government in the past, the report again indicates no progress in adopting appropriate legislation, the Committee can only refer to its previous observations and urge the Government once more to adopt national legislation:

(a) prescribing detailed provisions corresponding to those of the Convention for operations where the use of white lead, sulphate of lead and other products containing these pigments 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 all necessary measures with a view to giving full effect to the Convention, which was ratified 30 years ago.¹

Guinea (ratification: 1959). The Committee notes with regret that no new information has been received in reply to the observation made in 1962, which was repeated in 1964 and 1965. In these circumstances the Committee is bound to repeat once again this observation, which was as follows:

The Committee notes with interest that the Government is contemplating the issue of regulations to oblige heads of undertakings to supply suitable clothing for painters to wear during the whole of the working period (Article 5.II (b) of the Convention).

The Committee hopes that the Government will also take the necessary steps to prohibit the employment of young persons and women in painting work of an industrial character (Article 3 of the Convention), since, according to the report, such work, which is not widely performed at present, is to be systematically developed in future.

The Committee trusts that the Government will make every effort to take the necessary action and that the next report will indicate what progress has been achieved in this respect.

Hungary (ratification: 1956). Further to its previous comments, the Committee notes with satisfaction the adoption of Ministerial Order No. 7/1964, concerning protection against lead poisoning (Article 1 and Article 5.I (a) of the Convention).

Mexico (ratification: 1938). As regards the divergencies between section 110 G, V of the Federal Labour Act and Article 3, paragraph 1, of the Convention, see General Observations—Mexico.

Article 2, paragraph 2, and Article 5 of the Convention. Referring to its previous observations, the Committee wishes to recall that, in the absence of a general prohibition of the use of white lead pigments in all painting operations without exception, specific measures are called for, in conformity with these Articles of the Convention, to fix the line of division between different types of painting and to regulate the use of the above substances in operations for which their use is not prohibited. The Committee hopes that the Government will find it possible to adopt in the near future either regulations to give effect to Article 2, paragraph 2, and Article 5 of the Con-

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

vention, or legislation formally prohibiting the use of white lead in all painting operations without exception, and that the next report will indicate the progress made in this connection.

Nicaragua (ratification: 1934). The Committee notes with interest from the reply to the previous observation that a draft addendum to section 16 of the Labour Code envisages the prohibition of the use of white lead and the products containing white lead pigments in the internal painting of buildings, as required by Article 1, paragraph 1, of the Convention. The report adds that the competent authorities have elaborated regulations concerning the use of white lead and white lead pigments in painting operations for which their use is not prohibited and that these regulations will be enacted as soon as the above amendment of the Code is approved.

The Committee notes in this connection that under the above draft amendment of the Code, it is permissible to use white lead pigments containing a maximum of 20 per cent. of lead, expressed in terms of metallic lead, whereas Article 1, paragraph 2, of the Convention fixes as a permissible maximum only 2 per cent. of lead.

The Committee hopes that the modification to the Labour Code will be adopted at an early date and will give full effect to the terms of the Convention.

Rumania (ratification: 1925). The Committee notes with satisfaction, from the Government's reply to the direct request of 1964, that the standards of labour protection approved by Order No. 344/1964 prohibit the use of white lead and white lead pigments in all painting operations except for railway carriages and bridges, double bottoms of ships as well as artistic painting (Articles 1 and 2 of the Convention). It also notes that the same order prohibits the employment of males under 18 years of age and of females in any painting work involving the use of these products (Article 3).

Venezuela (ratification: 1933). The Committee notes with regret that the report for 1963-65 has not been supplied. The Committee is therefore bound to repeat the following observation, which was made in 1963, 1964 and 1965:

The Committee notes from the information supplied in reply to its request that there exists no specific legal provision authorising the competent authority to require, when necessary, a medical examination of workers engaged in painting work (Article 5 III (b) of the Convention). The Committee trusts that appropriate measures will be taken in order to enact such a provision.

The Committee also hopes that the Government will include in its next report the statistics regarding morbidity and mortality requested under Article 7 of the Convention, as well as the information on the practical application of the Convention requested under Point V of the report form.

The Committee trusts that the Government will make every effort to take, without further delay, the necessary action with a view to ensuring the full application of this Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Malagasy Republic, Mali, Mauritania, Poland, Rumania, Senegal, Spain, Upper Volta, Uruguay.*

Information supplied by *Hungary* in answer to a direct request has been noted by the Committee.

Convention No. 14: Weekly Rest (Industry), 1921

Bolivia (ratification: 1954). The Committee notes that the draft new Labour Code, which includes, *inter alia*, an article providing for compensatory rest, in accordance

with Article 5 of the Convention, has not yet been adopted. The Committee hopes that effect will soon be given to this provision of the Convention.

Venezuela (ratification: 1944). See observation on Article 1 of Convention No. 1.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Portugal, Senegal, Viet-Nam*.

Information supplied by *India* and *Mali* in answer to a direct request has been noted by the Committee.

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921

Nicaragua (ratification: 1934). Following its previous observations, the Committee notes with interest that by virtue of the draft revision of the Labour Code, young persons under the age of 18 years will not be permitted to be employed on vessels as trimmers or stokers and the shipmaster will be required to keep a register of all persons under the age of 18 years employed on board his vessel.

The Committee hopes that this draft legislation will be adopted in the near future, thus bringing the national legislation into harmony with Articles 2 and 5 of the Convention.

Uruguay (ratification: 1933). In 1964 and 1965 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: *Jamaica, Malaysia (State of Sabah), Tanzania (Zanzibar), Turkey, Uruguay*.

Convention No. 16: Medical Examination of Young Persons (Sea), 1921

Ceylon (ratification: 1951). The Committee takes note of the Government's statement that new regulations will come into effect as soon as the Merchant Shipping Act, amendments of which are now before Parliament, has been promulgated. The Committee also notes that interim administrative arrangements have been made to ensure medical examination for seamen under the age of 18 years. The Committee trusts that the legislative measures will soon be adopted in order to give effect to the provisions of the Convention.

Nicaragua (ratification: 1934). The Committee notes with interest the Bill designed to supplement section 151 of the Labour Code, particularly as regards Articles 2 and 3 of the Convention, and hopes that it will soon be promulgated. It would be grateful if the Government would supply full information on further developments in this connection.

Moreover, the Committee would be glad if the Government would indicate what measures exist or are envisaged to ensure that the new provisions will apply to all the "vessels" covered by the Convention (Article 1).

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In addition, requests regarding certain other points are being addressed directly to the following States: *Greece, Jamaica, Malta, Somali Republic, Spain, Uruguay.*

Information supplied by *New Zealand* in answer to a direct request has been noted by the Committee.

Convention No. 17: Workmen's Compensation (Accidents), 1925

Argentina (ratification: 1950). Referring to its 1964 observation, the Committee notes that the Government intends before the 50th Session of the Conference to supply the texts of the draft legislation that is to bring the national legislation into conformity with the Convention.

The Committee hopes that this draft legislation will be adopted shortly and put an end to the present discrepancies between the national legislation and the provisions of the Convention, i.e. a waiting period of six working days for the granting of compensation for industrial accidents, while Article 6 of the Convention authorises only a maximum delay of four days, and the absence from the national legislation of provision, in accordance with Article 7 of the Convention, for additional compensation for injured workmen whose incapacity makes necessary the constant help of another person.

Burma (ratification: 1956). Further to the requests made since 1959, the Committee notes that the Government's report merely indicates that there was no modification in the legislation relating to compensation for industrial accidents, and contains no reference to the intention previously expressed by the Government of modifying national legislation so as to apply Articles 5, 10 and 11 of the Convention.

The Committee must, therefore, repeat its comments regarding the points where national legislation is not in conformity with the Convention:

Article 5 of the Convention. The Workmen's Compensation Act of 1924 provides that, in the case of personal injury followed by death or permanent disability, compensation is in the form of a lump-sum payment, whereas according to this Article of the Convention, it shall always be paid in the form of periodical payments and shall only be paid, fully or partially in a lump sum, if the competent authority has been assured that it will be properly utilised.

Article 10. Regulations of the Social Security Act and the Workmen's Compensation Act fixed a maximum amount for the refund of expenses for artificial limbs and surgical appliances, whilst the Convention provides, in such cases, a payment of all necessary expenses without any limit being fixed. Moreover, no measure of control exists to ensure the utilisation of additional compensation.

Article 11. The Act does not guarantee, in the event of insolvency of the employer, compensation to the workmen who suffer personal injury, in accordance with this Article of the Convention.

The Committee trusts that the Government will do everything possible so that the necessary measures may be taken to bring national legislation into conformity with the above-mentioned provisions of the Convention.

Chile (ratification: 1931). The Committee notes the Government's reply to its observation of 1965, stating that it was not possible to present the Bill concerning social security which was to modify the provisions of the Labour Code, bringing them into conformity with Article 5 of the Convention (payment of a pension in case of permanent incapacity), and that it was hoped that in the next ordinary session of the Congress, the above-mentioned Bill would be finally adopted.

The Committee trusts that the Government will do everything possible to bring the legislation into full conformity with the Convention at a very early date.¹

Cuba (ratification: 1928). The Committee takes note of the Government's reply to its comments made in previous direct requests.

1. Section 64 of Act No. 1100 on social security lists as one of the reasons for the cessation of benefits (subparagraph (g)) the fact that "... the beneficiary has been sentenced for a counter-revolutionary offence", and the Committee has pointed out (in 1964 and 1965) that this provision is contrary to the Convention. The Government replies in its report that benefits cannot be terminated at the discretion of the administrative body but only after a judgment by the competent court for offences against the nation and the State more serious than those which the Committee regards as a possible cause of cessation. The Committee must insist that this Convention does not provide for the possible cessation or suspension of benefits for any offence, and that the only offences or misdemeanours that may be taken into consideration and may lead to such cessation are those wilfully committed by the insured person and directly causing the accident or illness.

2. Section 63 of the same Act lists as one of the reasons for the suspension of benefits the fact that "... the beneficiary has been sentenced to imprisonment for more than 30 days". In its report the Government states that the imprisoned beneficiary is maintained at the expense of the State, and that this maintenance by the State takes the place of social security. The Committee nevertheless considers that if this suspension of benefits is to be admitted it can be only partial (as in the case of section 30 of Act No. 1100, as amended by Act No. 1165, relating to the expenses of a beneficiary who is in hospital), the expenses of maintenance in prison being deducted from the pension, but on no account in such a way that the beneficiary's dependants are left without support.

3. The Committee also pointed out in 1964 and 1965 that there was no provision in Act No. 1100 to prescribe additional compensation for injured workmen who were incapacitated to such an extent that they needed the constant help of another person, as required by Article 7 of the Convention. The Government replies that, in the event of permanent total incapacity due to industrial accident or occupational disease, the amount of the pension is increased by 10 per cent. The Committee must point out that this provision of the Convention refers to additional compensation for an industrial accident in which the injured workman is incapacitated and must have the constant help of another person; this is independent of the fact that compensation for industrial accidents is to be calculated in such a way that it should be higher than that accorded for incapacity in general.

The Committee trusts that the Government will reconsider the question and take the necessary steps to bring the national legislation into conformity with the Convention in respect of the three points referred to.

Malaysia (States of Malaya) (ratification: 1957). The Committee notes with interest that, in reply to its 1964 observation, the Government states that it is preparing a more comprehensive social security insurance scheme, in preparing which attention will be given to the questions of periodical payments (Article 5 of the Convention), the cost of artificial limbs and surgical appliances (Article 10) and the guaranteeing of the payment of compensation where the deposit of \$5,000 proves to be inadequate (Article 11).

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

The Committee hopes that the scheme under study will be adopted in the near future and will give full effect to Articles 5, 10 and 11 of the Convention.

New Zealand (ratification: 1938). Referring to its observations of previous years, the Committee takes note with interest of the statement made by the Government in its report to the effect that it is considering the establishment of a system of pensions for workers disabled permanently in industrial accidents and the dependants of workers killed in such accidents.

The Committee hopes that efforts will be made to establish a system providing compensation in the form of a pension in the case of death or permanent disability due to industrial accidents and so fully applying the important provision contained in Article 5 of the Convention. The Committee trusts that it will be possible to indicate in the next report that substantial progress has been made in the establishment of the above-mentioned system, in accordance with the Government's statement in its report.

Nicaragua (ratification: 1934). The Committee thanks the Government for the detailed information supplied in answer to the observation it made in 1964.

The Committee has noted with interest that in view of the increasing development of social insurance in the country the Government considers that within a relatively short time the scheme instituted under the Social Security Act will cover the whole of the Republic. The Committee hopes that in conformity with this statement efforts will continue to be made to extend social insurance coverage to all workers in the country, and that the necessary steps will be taken to eliminate the disparities which exist between the Social Security Act and Articles 2 and 7 of the Convention (the Act excludes from coverage persons who enter the service of another person for the first time after reaching their 60th birthday, and makes no provisions for the payment of additional compensation to persons whose incapacity is of such a nature as to require the constant help of another person).

The extension of the social security scheme to cover all workers is the more necessary since the Labour Code, whose provisions with respect to workmen's compensation now apply to the whole of the Republic, diverges in significant respects from Articles 5, 7, 10 and 11 of the Convention.

Philippines (ratification: 1960). Referring to its requests of 1962 and 1964, the Committee notes with satisfaction that the Workmen's Compensation Law (Act No. 3428) has been amended by Act No. 4119 to provide for the right of workmen injured in industrial accidents to the services and remedies that they require in their incapacity to help them towards early restoration to health, including medical, surgical, dental and hospital treatment as well as the supply and renewal of artificial limbs and surgical appliances (Articles 9 and 10 of the Convention) and that the amendment also prescribes the compulsory insurance of undertakings or their guaranteeing to the satisfaction of the Bureau of Workmen's Compensation that they are in a position to meet their financial obligations (Article 11 of the Convention).

Nevertheless, the amending Act referred to does not appear to have introduced substantial improvements in respect of the following two points:

Article 5 of the Convention. Compensation for permanent incapacity continues to consist of a series of weekly payments that cannot normally extend beyond 208 weeks or in any case exceed the figure of 6,000 pesos (or 9,000 pesos where the employer has failed to comply with laws or regulations). These provisions are not sufficient to apply this Article of the Convention, which provides that the compensation payable to the injured workman, or his dependants, shall be paid in the form of

periodical payments, without establishing any limit of duration, and which allows the compensation to be wholly or partially paid in a lump sum only if the competent authority is satisfied that it will be properly utilised.

Article 7. The Committee considers that the provision of section 13 of Act No. 3428 to the effect that the medical services shall include nursing attendance is not sufficient to apply this Article of the Convention, which provides for the granting of additional compensation to injured workmen who are incapacitated and require the constant help of another person.

The Committee trusts that the Government, which has taken the necessary steps to bring the national legislation into harmony with some Articles of the Convention, will also make every effort in order to bring national legislation into harmony with Articles 5 and 7 of the Convention.

Portugal (ratification: 1929). Regarding the requests made in previous years, the Committee notes with satisfaction the adoption of Order No. 21769 of 3 January 1966 which has brought into force in all Overseas Provinces and in particular in Macao the national incapacity scale applying to industrial accidents and occupational sickness.

The Committee also notes the information supplied by the Government, and in particular that consideration is being given to the inclusion in the Rural Code applicable in the Overseas Provinces, of a provision applying Article 7 of the Convention (payment of increased compensation to persons whose incapacity is of such a nature as to require the constant help of another person).

The Committee would be grateful if the Government would indicate in its next report the progress achieved in order to bring the above-mentioned Rural Code into conformity with the said provision of the Convention.

Sweden (ratification: 1926). In reply to the observation made by the Committee of Experts in previous years regarding the discrepancy between the national legislation and Article 9 of the Convention (resulting from the fact that workmen who have suffered from an industrial accident must bear part of the cost of medical treatment), the Government states in its report that the special committee set up to review the present employment injury insurance scheme will not be able to present its conclusions in time for the question to be considered during the 1965 session of Parliament, so that the new Act which will be adopted on employment injury insurance will probably not come into force until January 1968.

The Government states that the special committee is also studying the possibility of ratifying the Employment Injury Benefits Convention, 1964 (No. 121), in the light of the provisions of Article 11, paragraph 1, of this Convention.

The Committee notes this information and would be grateful if the Government would state in its next report the conclusions reached in this matter.

Tunisia (ratification: 1957). Referring to its request of previous years, the Committee notes with satisfaction that Act No. 65-25 of 1 July 1965 makes applicable to domestic workers Act No. 57-73 of 11 December 1957 concerning industrial accidents and occupational diseases.

United Kingdom (ratification: 1949). Referring to its observations of previous years, the Committee notes with satisfaction that the participation of patients in the cost of medicines, drugs, minor dressings and surgical appliances has been abolished as from 1 February 1965 (Articles 9 and 10 of the Convention).

In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi, Congo (Leopoldville), Greece, Iraq, Kenya, Poland, Rwanda, Sierra Leone, Spain, Syrian Arab Republic, Tanzania (Tanganyika), Uganda, United Arab Republic, Zambia.*

Information supplied by *Mauritania* in answer to a direct request has been noted by the Committee.

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

Ceylon (ratification: 1952). In reply to the observations and requests made for several years on certain additions to the list of occupational diseases and corresponding activities appended to the Workmen's Compensation (Amendment) Act, 1957, the Government states that a bill to bring the national legislation into harmony with the Convention has been submitted to Parliament. The Committee hopes that the next report will contain information on the adoption of this text.

Guinea (ratification: 1959). The Committee notes that the Government report for 1962-64 fails once more to reply to the observation and requests that it has been making since 1962 on the application of this Convention.

In these circumstances the Committee feels obliged to take up the question again and point out in a new direct request the various discrepancies between the national legislation and the schedule in the Convention, and it hopes that the Government will not fail to supply the information requested.

Ivory Coast (ratification: 1960). Referring to its previous requests and observations, the Committee notes with satisfaction that Decree No. 64-44 of 9 January 1964 has made merely illustrative the formerly restrictive list of pathological manifestations due to poisoning by lead and mercury and has also added to this list the alloys, amalgams or compounds of these substances as well as the sequelae of these forms of poisoning.

Mali (ratification: 1960). Referring to the requests that it has been making since 1963, the Committee notes with interest that a text to amend the schedule of occupational diseases to the Social Welfare Code (Act No. 62-68 of 9 August 1962) has been submitted to the National Assembly and that it would replace the words "diseases caused by mercury poisoning" with the words "main diseases caused by mercury poisoning" and so give an illustrative character to the list of pathological manifestations due to mercury poisoning. The report adds that this draft text would also bring activities likely to cause anthrax infection into harmony with the schedule in the Convention, particularly in respect of the loading and unloading or transport of merchandise in general.

The Committee hopes that this amending text will be adopted shortly and that it will also bring into harmony with the Convention the list of pathological manifestations due to lead poisoning, which also seems to have a restrictive character under the present legislation.

Mauritania (ratification: 1961). The Committee takes note of Order No. 10135 of 25 February 1965, issued with a view to following up the requests made since 1963 on poisoning by lead alloys and mercury and its amalgams and compounds and on anthrax infection. The Committee notes with satisfaction that this order supplements the list of occupational diseases and corresponding activities as regards several of the points raised.

Nicaragua (ratification: 1934). Referring to its previous comments, the Committee notes with interest the new extensions of the social security scheme referred to in the Government report. It hopes that this scheme, including the branch dealing with insurance against occupational injuries, can soon be applied to the whole of the national territory so as to cover all classes of workers in the country. The Committee requests the Government to indicate any progress made in this connection.

It also notes the statement by the Government that the draft amendments to the Labour Code, which are at present under consideration by the legislature, contain in section 84 a list of occupational diseases corresponding to that which is appended to the Employment Injury Benefits Convention, 1964 (No. 121), and that the same list has also been inserted in section 138 of the General Regulations of the National Social Security Institute by virtue of Executive Decree No. 7 of 17 September 1965.

Niger (ratification: 1961). The Committee notes with satisfaction that Decree No. 65-117 of 18 August 1965 takes account of the points raised in its previous requests. This decree establishes an illustrative list of diseases due to poisoning by lead and mercury, their alloys or amalgams and compounds of these substances as well as their direct consequences. It also contains an illustrative list of the corresponding activities and includes the loading and unloading or transport of merchandise among the activities likely to cause anthrax infection (Article 2 of the Convention).

Tunisia (ratification: 1959). In connection with its previous observation and requests on the restrictive nature of the list of pathological manifestations due to poisoning by lead and its alloys, mercury and its amalgams and compounds of these substances and on the absence of the "loading and unloading or transport of merchandise" from the list of activities likely to cause anthrax infection, the Committee notes with interest that the draft amendment to the schedule of occupational diseases (schedule established by Act No. 57/73 of 11 December 1957) would give effect to the provisions of the Convention.

The Committee hopes that this draft will be adopted in the near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Dahomey, Guinea, Mauritania, Nicaragua, Portugal, Senegal, Switzerland, Syrian Arab Republic, Upper Volta, Yugoslavia*.

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

China (ratification: 1934). Regarding the observation of 1964, the Committee recalls that a Government representative stated before the Conference Committee in 1964 that while awaiting the adoption of the new Labour Code, the Ministry of the Interior intended to make an order compelling foreign workers, in the same way as nationals, to join the social security system.

However, as the Government's report contains no information relating to this, the Committee can only urge that the necessary efforts be made to bring national legislation into conformity with the Convention in the very near future, either by means of the adoption of the draft Labour Code, or if its approval is delayed, by means of other provisions, as indicated by the Government delegate at the Conference in 1964.

Ivory Coast (ratification: 1961). The Committee notes with satisfaction, following its direct requests of 1963 and 1964, that section 7 of Act No. 64-250 of 3 July 1964

provides that "... the treatment accorded to nationals of the Ivory Coast in connection with workmen's compensation shall be accorded to every foreign worker or his foreign dependants, whatever their place of residence, when they are subjects of a State that guarantees to nationals of the Ivory Coast who suffer personal injury due to industrial accidents on its territory and their dependants, whatever their place of residence, the treatment guaranteed to its own nationals in connection with workmen's compensation, whether in virtue of a treaty signed with the Ivory Coast, or in virtue of an international convention ratified by the Ivory Coast and by the said State, or in virtue of provisions in the national legislation of the said State".

This provision brings the national legislation into harmony with the provisions of Article 1 of the Convention by rescinding, for nationals of countries that have ratified the Convention, among others, the residence condition laid down by the Decree of 24 February 1957.

Nicaragua (ratification: 1934). The Committee takes due note of the Government's reply to its previous observations and requests. It appears from the reply that persons entitled to compensation, either under the Labour Code or under the social security system, are not subject, whether nationals or foreigners, to any condition as to residence in the Republic.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Burundi, Cameroon, Cuba, Czechoslovakia, Gabon, Malagasy Republic, Mauritania, Portugal, Rwanda, Senegal, Spain, Sudan, Syrian Arab Republic, Trinidad and Tobago, Uruguay.*

Information supplied by *Bolivia, Kenya, Malaysia (State of Sarawak) and Tanzania (Tanganyika)* in answer to direct requests has been noted by the Committee.

Convention No. 20: Night Work (Bakeries), 1925

A request regarding certain points is being addressed directly to *Nicaragua*.

Convention No. 22: Seamen's Articles of Agreement, 1926

Argentina (ratification: 1950). The Committee notes with regret that no progress has been made in giving effect to its previous observations. In these circumstances the Committee can only draw attention once again to the divergencies which have repeatedly been pointed out between the national legislation and the following provisions of the Convention: Article 13 (circumstances in which a seaman may claim his discharge on the ground that it is essential to his interests) and Article 14, paragraph 2 (issuance of a certificate evaluating the quality of the seaman's work or indicating whether he has discharged his obligations under the agreement).

In view of the fact that the Government has been referring to a revision of the legislation for more than ten years, the Committee trusts that the Government will without further delay take the necessary measures to ensure the full application of all the provisions of the Convention.¹

Federal Republic of Germany (ratification: 1930). In previous observations the Committee has pointed out that while paragraph 1 of section 63 of the Seamen's

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Act of 1957 provides for a period of notice of 48 hours in the event of the termination of a seaman's agreement in normal circumstances, paragraph 3 of the same section stipulates that an agreement for an indefinite period remains valid, after the expiration of the period of notice (but for a maximum of six months), until the vessel reaches a port in the Federal Republic of Germany. Article 9, paragraph 1, of the Convention provides, on the other hand, that this agreement may be terminated by either party in any port where the vessel loads or unloads, provided that the specified period of notice, which must not be less than 24 hours, has been given.

At the Conference Committee in 1965 the Workers' member of the Federal Republic of Germany stated that a collective agreement provided for the reimbursement of repatriation expenses to seamen whose articles of agreement were terminated in a foreign port and that the national provisions were thus more favourable than the provisions of the Convention. This view was shared by the Employers' and Government members of the Federal Republic of Germany. The Committee points out in this connection that the right to repatriation is in any case provided for in the Repatriation of Seamen Convention, 1926 (No. 23), which the Federal Republic of Germany has ratified, as have 23 other member States of the I.L.O. Even if this right of repatriation were granted in conditions more favourable than those prescribed by Convention No. 23, this would not constitute any justification for the non-application of Article 9, paragraph 1, of Convention No. 22 because this provision, as was noted in the Conference Committee, "must be considered as a basic provision of the Convention since it aims at guaranteeing the seaman's freedom of choice and movement".

Finally, the restriction of the right to terminate the agreement when the vessel is away from the home country is all the greater in that it is not, as in the case of certain countries, limited to a specified period after the signing of the articles of agreement, but deprives the notice of effect for a period of up to six months, irrespective of the time when the notice is given, if it would expire outside the home country.

In these circumstances the Committee can only reaffirm, as it has been doing since 1962, that section 63, paragraph 3, of the Seamen's Act of 1957 is not in conformity with this Convention.

The Committee has noted, however, the Government's statement in its report that the Committee's comments of 1964 and 1965 are currently the subject of consultations between the Government and the competent social partners in the field of maritime navigation, and that additional information will be furnished once these consultations have been concluded. The Committee renews its appeal to the Government to review the situation during these consultations and to envisage measures to bring the law into conformity with the provisions of Article 9, paragraph 1, of the Convention.¹

Mexico (ratification: 1934). In regard to the divergencies between section 146 of the Federal Labour Act and Article 9, paragraph 1, of the Convention, see under Mexico, General Observations.

The Committee trusts, moreover, that the Government will indicate in its next report, as it undertook to do earlier, what action has been taken to give effect to the following provisions of the Convention, the application of which requires the adoption of laws or regulations: Article 5, paragraph 2 (appreciations which should not be contained in a seaman's record of employment) and Article 9, paragraph 2 (conditions attached to the giving of notice of termination of articles of agreement of indefinite duration).

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Morocco (ratification: 1952). In reply to the 1964 observation the Government states that it sees no necessity to repeal the second paragraph of section 201 *bis* of the Merchant Shipping Code, which makes the termination, in a foreign port, of an agreement for an indefinite period subject to the previous authorisation of the maritime or consular authority. The Government states that this authorisation is a simple additional formality which in most cases does not result in preventing the termination of the agreement, since the maritime authority refuses it only in exceptional circumstances. Furthermore, the Government states that the provisions of Article 9, paragraph 3, of the Convention imply the intervention of the maritime authority, for this authority alone is in a position to appreciate in a given case whether the notice, even when duly given, does or does not terminate the agreement.

The Committee can only recall once again that the provisions of Article 9, paragraph 1, expressly provide for the termination of an agreement for an indefinite period "in any port where the vessel loads or unloads" without any restriction. The seaman is therefore free to terminate this agreement (provided that appropriate notice has been given in accordance with Article 9, paragraph 2) whenever termination seems desirable to him. The circumstances in which the maritime authority may be called on to intervene are the exceptional circumstances referred to in Article 9, paragraph 3, which relate rather to cases where there are circumstances endangering the seaworthiness or safety of the vessel.

The Committee trusts that the Government will be able to adopt the necessary measures so that the termination of an agreement for an indefinite period, in a foreign port, shall no longer be subject to the agreement of the Moroccan maritime or consular authorities, since this condition is contrary to one of the fundamental provisions of the Convention.

New Zealand (ratification: 1938). The Committee notes with satisfaction that, following its direct request, section 58 of the Shipping and Seamen Act has been amended by the Shipping and Seamen Amendment Act, 1964, so as to give full effect to Article 5, paragraph 2, of the Convention.

Nicaragua (ratification: 1934). The Committee notes that at the Conference Committee in 1965 a Government representative stated that the Government agreed with the observation made by the Committee of Experts and that the proposed amendment of the Labour Code would bring the legislation into full conformity with the Convention. Since it appears from the report, however, that the amendments to the Labour Code would bring it into conformity only with Article 6, paragraph 3 (3), and Articles 13 and 14 of the Convention, the Committee is bound to remind the Government that on a number of occasions attention has been drawn to other important divergencies between the Code and Article 3, paragraphs 3, 4 and 6, Articles 4 and 5 and Article 9, paragraphs 1 and 3, of the Convention.

The Committee hopes that the Government will do everything possible to give full effect to all the provisions of the Convention in the near future.

Pakistan (ratification: 1932). The Committee notes with regret that the 1963-65 report gives no information in reply to its previous observation, which was worded as follows:

The Committee refers to its previous requests, and notes from the Government's report that the legislative provisions for the application of the Convention to seamen engaged on board Pakistani ships in countries which have not ratified the Convention are still in the course of preparation.

Since this question has been outstanding since 1958 the Committee expresses the hope that the new provisions in question can be adopted in the near future.

The Committee hopes that the Government will do all in its power to adopt the necessary measures without further delay.

Spain (ratification: 1931). The Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1964 to the effect that an order of the Ministry of Labour had been issued on 9 June 1964 providing for the amendment of section 174 of the Labour Regulations for the Mercantile Marine. This order provides that, whatever the reason for the termination of the contract of employment put forward by the worker, the latter must give the captain a minimum of eight days' notice in writing, and that the said notice may be given while at sea or when the ship is in port (Article 9, paragraph 1, of the Convention).

The Committee notes, on the other hand, that none the less, when the crew member wishes to terminate his contract in a foreign port, he must supply written proof, issued by the appropriate authority, permitting his entry into the country, in case the national legislation should provide that the shipowner or captain is responsible for the disembarkation of the seaman, even in cases where the seaman has ceased to be a member of the crew after termination of the contract of employment.

As regards the African Provinces of Spain, see general direct request—Spain.

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with considerable regret that the Government's report contains no new information and merely refers to the information given in previous reports. This information related to certain sections of the Commercial Code which the Committee has already on several occasions considered to be insufficient to give effect to the provisions of the Convention and in particular to Articles 3 (2), 8 and 13.

In these circumstances the Committee urgently requests the Government to adopt without further delay the legislative measures or regulations necessary to secure the full application of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Venezuela (ratification: 1944). The Committee has been making direct requests since 1960 on the application of this Convention. It notes with regret that the report gives none of the information requested and must therefore raise the matter once again in a new direct request.

The Committee trusts that the Government will not fail to provide this information in the very near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, China, Mauritania, Peru, Poland, Singapore, Somali Republic (former Trust Territory), Venezuela*.

Information supplied by *Bulgaria* in answer to a direct request has been noted by the Committee.

Convention No. 23: Repatriation of Seamen, 1926

Argentina (ratification: 1933). The Committee notes with regret that no action has yet been taken on its previous observations.

In these circumstances it can only recall once more the discrepancies it has been pointing out since 1954 between the national legislation and the following provisions of the Convention: Article 3, paragraph 4 (conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated); Article 4 (*b*) (expenses of repatriation not to be a charge on the seaman in case of shipwreck);

Article 5, paragraph 1 (expenses of maintaining the repatriated seaman up to the time fixed for his departure).

The Committee trusts that the Government will adopt without further delay the necessary measures to ensure the full application of the provisions referred to above.¹

Nicaragua (ratification: 1934). The Committee notes with interest the information supplied by the Government in reply to its previous observations concerning legislative provisions which apply paragraphs 2, 3 and 4 of Article 3, and Articles 4 and 5 of the Convention.

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee regrets to note that the Government's report contains no new information nor does it reply to repeated observations which indicated that the legislation in force—notably sections 1167 to 1179 of the Commercial Code and section 80 of the Consular Rules of 17 January 1917—cannot be considered as giving adequate effect to Articles 3 and 5 of the Convention (manner and expenses of repatriation).

In these circumstances the Committee can only once more urge the Government to take the necessary measures with a view to giving full effect to this Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Ireland, Peru, Philippines, Spain, Yugoslavia*.

Convention No. 24: Sickness Insurance (Industry), 1927

Chile (ratification: 1931). Since the Government's report does not contain any new information or any reference to the observation made in 1964, the Committee must repeat the said observation, which was as follows:

The Government states that the Medical Care (Private Employees) Bill has made no real progress and is still under discussion by the Social Insurance and Labour Committee. In view of the fact that such employees are covered only by a variety of schemes which do not extend to all employees and do not provide all the benefits referred to in the Convention, the Committee hopes that the Government will not fail to take the necessary measures to provide medical care and cash benefits as prescribed by the Convention for all the workers to whom the Convention applies.

In this connection the Committee wishes to point out that the only permissible exceptions to the application of this Convention relate to private workers "whose wages or income exceed an amount to be determined by national laws or regulations" (Article 2, paragraph 2 (b)) and "persons who in case of sickness are entitled, by virtue of any laws or regulations or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention."

The Committee must urge the Government to take the measures referred to above, in order to bring national legislation into full conformity with the Convention.

Haiti (ratification: 1955). The Committee has noted the information contained in the Government's report to the effect that although no amendments have been made to the laws respecting sickness insurance, the Act for the establishment of the National Old-Age Insurance Office contains provisions which constitute the first step towards the institution of a sickness insurance scheme.

The Committee is bound to insist that energetic action be taken to bring into actual being the sickness insurance scheme for which provision is made in the Labour Code. The Committee likewise hopes that in accordance with the intention expressed

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

by the Government in its report for 1962-63, section 602 of the Labour Code will be amended to do away with the qualifying period for entitlement to medical care.

Nicaragua (ratification: 1934). The Committee thanks the Government for the detailed information communicated in its report on the application of the Convention and notes that by virtue of recent provisions the field of application of sickness insurance has been extended to certain undertakings and areas outside the municipality of Managua.

The Committee hopes that the Government will make the necessary efforts to continue extending the sickness insurance system so as to cover all workers included in the field of application of Conventions Nos. 24 and 25 throughout the country and would be grateful if the Government would, in its next report, supply information regarding the different sectors of activity covered by these Conventions concerning the number of workers protected by the sickness insurance system in relation to the total figures of persons included in the field of application of the Convention.

Peru (ratification: 1945). The Committee notes that its previous observations and requests will be borne in mind by the Commission set up for the reform of the social security scheme.

The Committee trusts that this reform will be carried out in the near future, and will extend the scope of sickness insurance, in accordance with Article 2 of the Convention, to the entire country, also including domestic workers.

Uruguay (ratification: 1933). The Committee notes with regret that once again the Government's report has not been received. The Committee is bound, therefore, to repeat the terms of its observation of 1964, 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, Peru, Rumania, Spain*.

Information supplied by *Bulgaria* and *Yugoslavia* in answer to direct requests has been noted by the Committee.

Convention No. 25: Sickness Insurance (Agriculture), 1927

Chile (ratification: 1931). See under Convention No. 24.

Haiti (ratification: 1955). See under Convention No. 24.

Nicaragua (ratification: 1934). See under Convention No. 24.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Peru (ratification: 1960). See under Convention No. 24.

Uruguay (ratification: 1933). See under Convention No. 24.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Peru, Spain*.

Information supplied by *Bulgaria* in answer to a direct request has been noted by the Committee.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Venezuela (ratification: 1944). The Committee notes with regret that the Government's last report (which arrived too late to be examined in 1965) merely repeated the indications given in previous reports on the provisions of the Labour Law of 1947 and the Labour Law Regulations of 1938. It did not, however, as required by Article 5 of the Convention and repeatedly requested by the Committee since 1960, supply information on the practical application of the statutory minimum wage-fixing machinery. The Committee trusts that the Government will not fail to supply full information on this matter, and will in particular indicate, as requested by the Committee in its previous observation, what machinery is in force for fixing minimum wages (*a*) in commerce, (*b*) in homeworking trades (because the Convention provides for machinery whereby minimum wages can be fixed in particular for workers in such trades).

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, Guinea, Senegal, Sudan, Tanzania (Zanzibar)*.

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929

Nicaragua (ratification: 1934). The Committee notes with interest from the Government's reply to the previous observations that a draft addendum to section 183 of the Labour Code provides that the consignor of any package of 1,000 kilograms or more to be transported by sea or inland waterway shall mark its weight. The Committee trusts that this addendum will soon be adopted so as to give effect to the Convention.

Portugal (ratification: 1932). Further to its previous comments the Committee notes with satisfaction the adoption of legislative Decree No. 46626 of 4 November 1965 which brings Decree No. 20611 of 1931 into conformity with the Convention.

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee regrets to note that the 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,

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Convention No. 28: Protection against Accidents (Dockers), 1929

Nicaragua (ratification: 1934). Further to its observations the Committee notes the statement by the Government representative in the Conference Committee in 1965 that changes would be made to give effect to the Convention. As the regulations on safety measures in the loading and unloading of ships (to which the Government refers in the report) have not yet been received, the Committee must urge the Government once again to take all necessary steps to ensure full application of the Convention and to supply the legislation adopted to this end.

Convention No. 29: Forced Labour, 1930

Albania (ratification: 1957). The Committee regrets to note that the Government has supplied no report. The Committee must therefore draw attention to the fact that, in previous direct requests, it had asked the Government to amend certain legislative provisions in order to bring the national legislation into conformity with the Convention, namely:

(a) Decree No. 747 of 30 December 1949, concerning the exaction of labour for road works (which, according to the last report received from the Government, was no longer applied in practice);

(b) Decree No. 1669 of 13 May 1953 and Decree No. 1781 of 14 December 1953 (which permit the imposition of corrective labour on workers by administrative decision);

(c) sections 18 and 19 of the Labour Code (which permit the compulsory detachment of workers—both within the country and abroad—and their compulsory transfer to other undertakings and places);

(d) section 30 of the Labour Code (which permits a worker to terminate a contract of employment of indefinite duration unilaterally by notice only in a limited number of cases enumerated in this section).

The Committee had also asked the Government to provide information concerning:

(a) any regulations, instructions or circulars prescribing the cases in which labour might be called up under section 38 of the Labour Code (concerning *force majeure*), the procedure followed, the duration and conditions of service, etc.;

(b) the laws and regulations governing the exaction of minor communal services by agricultural co-operatives (to which the Government had referred in the last report received);

(c) the sanctions imposed on students refusing to work in places assigned to them for the three years following completion of studies at an institution of higher learning or secondary vocational school, pursuant to section 36 of the Labour Code;

(d) any binding legislative or other provisions, state plans, etc., whereby the cultivation or delivery of certain agricultural commodities might be imposed.

The Committee hopes that the Government will take the measures and supply the information mentioned above.

Bulgaria (ratification: 1932). 1. The Committee notes with satisfaction that, following its direct request of 1964 concerning section 5 of Resolution No. 121 of the Central Committee of the Bulgarian Communist Party and the Council of Ministers to limit labour turnover, to stabilise the labour force and to strengthen labour, production and state discipline, of 19 November 1963, this provision was repealed by Decision No. 405 of the Council of Ministers of 30 July 1965.

2. As regards the call-up of persons under compulsory military service laws for assignment to units engaged in non-military works, the Committee refers to paragraphs 10 to 12 of its General Report.

3. In its previous observations the Committee had also referred to the Act of 6 February 1958 concerning self-taxation of the population and an ordinance issued in pursuance thereof on 14 February 1961 by the State Planning Commission and the Bulgarian Investment Bank, which authorise the exaction of labour for local public works from men between 18 and 60 years and from women between 18 and 55 years. The Committee regrets to note that the Government has supplied no new information on this matter, but has merely repeated an earlier statement that the work in question is voluntary, since it is decided by the inhabitants themselves. The Committee had already indicated in 1964 that the fact that self-taxation schemes were approved by meetings of citizens would have taken the exaction of labour thereunder out of the scope of the Convention only if such schemes had been limited to minor communal services as defined in Article 2, paragraph 2 (e), of the Convention; it had drawn the Government's attention to the comments concerning this provision in paragraph 66 of the general conclusions on forced labour in its report of 1962. Having regard to the nature of self-taxation schemes, as provided for in the above-mentioned Ordinance of 14 February 1961, and to the provisions of Article 10 of the Convention, which require the abolition of labour exacted as a tax, the Committee once more expresses the hope that the legislation in question will ensure specifically either that such schemes are based on the voluntary participation of all concerned or that they are confined to minor communal services within the meaning of Article 2, paragraph 2 (e), of the Convention.

Central African Republic (ratification: 1960). In its report for the period expiring on 30 June 1965 the Government, referring to the observations made by the Committee in 1964, stated that Act No. 60-112 of 20 June 1960 respecting compulsory cultivation has been repealed by Act No. 63-409 of 17 May 1963 and that it was proposed to amend certain other texts to bring them into line with the Convention (Acts Nos. 60-107 of 20 June 1960 instituting permanent control of the active population, No. 60-109 of 27 June 1960 providing for measures against persons without work and the fixing of minimum areas to be cultivated, and No. 62-304 of 8 May 1962 respecting the National Youth Pioneers, section 4 (b) of the Labour Code and the decree or ordinance prescribing the procedure for carrying out sentences).

The Committee notes with regret that since then an ordinance has been promulgated (No. 4 of 8 January 1966) under the terms of which all persons of both sexes between the ages of 18 and 55 years and fit for work who cannot show proof that they engage in a normal occupation are deemed idle persons and compelled, under threat of penal sanctions, to participate in activities for the benefit of the community, in particular cultivation.

As the Committee already pointed out in 1964, such provisions are incompatible with the obligation, under Article 1 of the Convention, to suppress the use of forced or compulsory labour. The Committee hopes in consequence that the necessary steps will be taken to bring the legislation into line with the Convention.

Congo (Leopoldville) (ratification: 1960). The Committee notes with concern that for the last six years no report has been supplied by the Government on this Convention, nor has any information been provided in answer to the direct requests made by it since 1962. In these requests the Committee pointed out that national legislation still permitted certain forms of compulsory labour (Ordinance of 11 June 1940 on compulsory portage, 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, and Article 25 of the Convention.

The Committee once more urges the Government to supply a report containing full information on the various points raised in its requests.

Dominican Republic (ratification: 1956). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

The Committee notes with interest the Government's statement, with respect to the direct requests made by the Committee since 1959, that new prison regulations now being prepared will provide specifically that prisoners may not be hired to or placed at the disposal of private individuals, companies or associations, as required by Article 2, paragraph 2 (c), of the Convention. The Committee trusts that these provisions will be adopted at an early date, and that the text thereof will be appended to the Government's next report.

In its report for 1958-59 the Government referred to the construction of local roads and other services performed under the plan for total literacy, and expressed the view that such work constituted minor communal services within the meaning of Article 2, paragraph 2 (e), of the Convention. While the Government has supplied a copy of an (undated) law requiring illiterate adults to attend literacy classes, the Committee regrets that it has not, as requested in 1960, 1962 and 1963—

- (a) indicated the precise nature of the work which can be imposed by virtue of the plan for total literacy;
- (b) indicated whether the population or its direct representatives have the right to be consulted on the need for such services (in accordance with Article 2, paragraph 2 (e), of the Convention);
- (c) supplied copies of the laws and regulations governing the exaction of the labour in question.

The Committee trusts that the Government will not fail to supply the above-mentioned information and documentation in its next report.

Ecuador (ratification: 1954). For the fourth consecutive year the Government has failed to supply a report on this Convention, and no information is accordingly available in answer to the requests repeatedly made by the Committee since 1959 concerning the application of Article 2, paragraph 2, of the Convention. In the absence of this information, the Committee cannot be satisfied that these provisions of the Convention are being effectively observed.

Gabon (ratification: 1960). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation on the following point.

The Committee has noted that, under Ordinance No. 50/62 of 21 September 1962, every citizen over 18 years of age must be able to prove that he is occupied, unless physically unfit, or able to prove registration at a school (section 1); every unemployed citizen must register (section 2); every citizen without an occupation must accept any available employment to which he is directed by the authorities (section 3); and non-compliance with these provisions is punishable by the penalties laid down for vagrancy (section 4).

The Committee observes that these provisions grant the authorities extensive powers to exact from citizens (apparently of either sex) forced or compulsory labour within the meaning of the Convention, that is, "work or service which is exacted from any person under the menace of a penalty and for which the said person has

not offered himself voluntarily". These powers are all the more extensive, because (a) the ordinance contains no specific criteria for determining whether a person is to be considered as "occupied"; (b) the persons may be compelled to take up employment in any kind of undertaking, whether public or private; (c) the persons concerned must accept the employment to which they are directed, whatever the conditions of employment; and (d) no time limit is set on the period during which the direction is to operate. Moreover, although offences under the ordinance are to be punished in the same way as vagrancy, they have no relation to the generally accepted meaning of vagrancy.

As indicated by the Committee in 1962 in its General Conclusions concerning forced labour (Part Three of its report, paragraph 69) and in its previous observations, by undertaking, in accordance with Article 1 of the Convention, to suppress the use of forced or compulsory labour in all its forms, the Government bound itself not to introduce any new forms of forced or compulsory labour. The Committee accordingly trusts that Ordinance No. 50/62 of 21 September 1962 will be repealed at an early date.

With regard to its previous comments on Act No. 19/61 of 12 May 1961, Decree No. 294/PR of 12 September 1963 and Article 2 of the Labour Code, the Committee refers to paragraphs 10 to 12 of its General Report.

Greece (ratification: 1952). With regard to its previous observations concerning work of a non-military character carried out by the armed forces, the Committee refers to paragraphs 10 to 12 of its General Report.

Guinea (ratification: 1959). The Committee has noted with interest the indications given in the Government's report for 1962-64 (which was received only after the Committee's last meeting), in answer to its previous observations, from which it appears that persons conscripted under military service laws are no longer used for work of a non-military character. The Committee refers in this connection to the comments made in paragraphs 10 to 12 of its General Report.

The Committee regrets to note that the above-mentioned report did not supply any information in answer to the other matters which have been the subject of direct requests since 1963, concerning the application of Article 2, paragraph 2, of the Convention and "human investment" schemes, and that no report has been supplied for the period ending 30 June 1965. The Committee is once again addressing a direct request to the Government on these matters. It trusts that the Government will not fail to supply a report containing full information on these matters.

Honduras (ratification: 1957). The Committee notes with regret that no report has been supplied on the application of this Convention since 1961 and that therefore the direct requests and observations made since 1960 still remain unanswered. The Committee is dealing with these points in a direct request addressed to the Government, and urges it once more to supply a report containing full information thereon.

India (ratification: 1954). In 1960, following its examination of various available Panchayats, Irrigation, Canal and Drainage, and Compulsory Labour Acts to which reference had been made in the Government's reports, the Committee addressed a direct request to the Government containing detailed comments on matters arising out of these Acts which appeared to affect the application of the Convention. In answer to this request, the Government stated in its report for 1959-61 that, in accordance with a recommendation made at a meeting of labour ministers, the state governments were examining the legislation in question in the light of the requirements of the Convention and the Committee's comments, and various other government departments would likewise be consulted.

Although the Government has since then reported various changes in the relevant legislation, the Committee notes from the report for the period ending 30 June 1965 that the general review initiated in 1961 has not yet been completed. The Committee trusts that the Government will be in a position to give detailed information in its next report on the results of the review of the legislation, and on the measures contemplated with a view to bringing its provisions into full conformity with the Convention.

Israel (ratification: 1955). The Committee notes the information supplied by the Government, in answer to its previous observations and request, concerning agricultural training and work undertaken by certain conscripts during their period of service under the Defence Service Law and the granting of deferment of service to certain persons to take employment in the Timna mines.

The Committee refers, in this connection, to the comments made in paragraphs 10 to 12 of its General Report.

Liberia (ratification: 1931). The Committee has taken note of four Acts approved on 18 February 1966, the texts of which have been supplied by the Government of Liberia.

1. The Committee notes with satisfaction that one of these Acts has given legislative approval to the agreement made on 2 November 1962 between the Government and the Firestone Tire and Rubber Company providing for the deletion from the Company's concession agreement of 1926 of the clause whereby the Government had undertaken to assist the Company to secure and maintain an adequate labour supply. Thus, the legislative action in this matter recommended in paragraph 444 of the report of the Commission of Inquiry appointed under article 26 of the I.L.O. Constitution has now been taken.

2. The Committee has also noted with interest the Act which "reaffirms Liberia's desire to live up to, in every manner and form, the International Labour Conference Convention No. 29 Forced Labour, 1930, ratified by Liberia in 1931". This Act provides, *inter alia*, that forced labour as defined in the Convention "shall be forever condemned within the Republic of Liberia", that upon ratifying the Convention Liberia "established a national policy expressing a desire from that time to comply with every provision of said Convention", that in regard to any concession agreement "which was validly made in the past, or present or will be made in the future which has any section that could even remotely violate [the Convention], said section of said agreement will be null and void and unenforceable as against the public policy of the Republic of Liberia", that concession agreements must comply with all labour enactments and any international agreement to which Liberia is a participant, and that a representative of the Bureau of Labour will be present at negotiations of concession agreements.

The Committee notes, however, that on the same day as the above-mentioned Act was approved, legislative approval was also given to a concession agreement between the Government of Liberia and the Liberian Agricultural Corporation which provides, in Article VI: "The Government agrees that it will encourage and assist the efforts of the Corporation to secure and maintain an adequate labour supply."

In these circumstances, to avoid any uncertainty as to the situation which might otherwise exist (particularly in the minds of the employer and the employer's agents, workers, government officials, etc.), the Committee considers it desirable that measures should be taken—as recommended by the Commission of Inquiry in paragraphs 449 and 451 of its reports—to eliminate expressly from all outstanding concessionary contracts any clauses of the above-mentioned nature.

3. The Commission of Inquiry had recommended in paragraph 419 of its report that action should be taken to eliminate certain outstanding legislative anomalies, including several amendments to section 1502 of the Labour Practices Law, dealing with recruiting of labour. At the Conference in June 1964 the Government communicated the text of a Bill, which was stated already to have been passed by the House of Representatives, which embodied these amendments. No further information concerning this Bill has since been supplied, but the fourth Act approved on 18 February 1966 has repealed the entire Chapter 16 of the Labour Practices Law, entitled "Recruitment of Labour".

The effect of this repeal appears to be to remove the protection previously granted by Chapter 16 of the Labour Practices Law against abuses in recruitment of labour, whose importance in effecting radical changes in the application of the Convention had been stressed by the Commission appointed under article 26 of the Constitution in paragraph 417 of its report. Among the provisions repealed are, for instance, the prohibition for "any chief, employer or recruiting agent to recruit or cause to be recruited by force, threat of force or misrepresentation or to exert any pressure for the purpose of recruiting any Liberian citizen subject to the Tribal Jurisdiction for service in Liberia" (section 1502 (1) of the Law), as well as the prohibition of payments to chiefs, officials, etc., on account of persons recruited (section 1502 (2) and (3)).

The Committee hopes that the Government will undertake an urgent review of the situation resulting from the repeal of the above-mentioned provisions, with a view to the enactment of appropriate new legislation, having regard in particular to the requirements in Articles 23, 24 and 25 of the Convention that precise regulations concerning the use of forced labour shall be issued, that adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, that the illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and that every ratifying State shall ensure that the penalties imposed by law are really adequate and are strictly enforced.

4. Apart from the new developments mentioned above, the Committee regrets to note that the Government's report, which was received almost four months after the due date, gave no new information on a number of other matters arising out of the report of the Commission of Inquiry, as indicated below.

5. Among the legislative amendments whose adoption during the legislative session 1963-64 had been recommended in paragraphs 419 and 420 of the report of the Commission of Inquiry was the repeal of section 346 (b) of the Penal Law. Such an amendment was included in the text of the Bill communicated by the Government in June 1964. No further information has since been provided on this matter.

6. The Commission of Inquiry had recommended in paragraph 421 of its report that, pending the issue of a revised edition of the Liberian Code of Laws, a supplement containing the texts of international labour Conventions ratified by Liberia be issued without delay and made generally available. In 1964 the Government reported that the Conventions would be reproduced in a Handbook of Labour Law, under preparation. This handbook, published in January 1965, did not contain the texts of the Conventions concerned or any reference to them. The Government informed the Conference Committee in 1965 that a second edition was being prepared, that it would contain the texts of all ratified Conventions and that a copy thereof would be attached to the Government's next report. It is provided in the Act referred to in paragraph 2 above that "the texts of all international labour Conventions ratified by Liberia will be a supplement to the revised edition of the Liberian Code

of Laws". However, the specific action recommended by the Commission of Inquiry remains to be taken.

7. The Commission of Inquiry recommended in paragraph 453 of its report that a thorough review be made of policy and practice regarding construction and maintenance of secondary roads and public works, with a view to eliminating any remaining abuses. In 1964 the Government merely referred to the recruiting laws as covering possible abuses, and subsequently confined itself to mentioning the general activities of the labour inspectorate. In view of past problems in regard to work of the kind mentioned and the recent repeal of the legislation which the Government had earlier referred to as covering possible abuses, the Committee hopes that the special review recommended by the Commission of Inquiry will be made at an early date and that full information will be supplied thereon.

8. The Commission of Inquiry had emphasised, in paragraphs 454 and 459 of its report, the importance of developing an adequate system of labour inspection to ensure the strict application of all provisions intended to give effect to the Convention, and also of taking appropriate action in the field of manpower policy (including a public placement service) as a guarantee against a relapse into mobilisation of forced labour. The Committee regrets to note that the Government's last report does not refer to any developments since 1 June 1964, either in the field of labour inspection or with regard to the proposed country-wide public employment system to which the Government referred in its supplementary report of June 1964.

The Committee hopes that the Government will take the necessary action at an early date to implement all outstanding recommendations of the Commission appointed under article 26 of the I.L.O. Constitution and to ensure the full implementation of its obligations under the Convention, and that it will supply full and timely information on all action taken or contemplated to this end.¹

Libya (ratification: 1961). In 1963, 1964 and 1965 the Committee had made a direct request concerning the application of this Convention. As the Government has not supplied the information requested, 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 containing full information on the matters mentioned in the direct request.

Malagasy Republic (ratification: 1960). In 1964 the Committee noted that the Government did not contemplate adopting measures to bring several legislative texts into conformity with the Convention and that more recent legislation incompatible with the Convention had been adopted. The Committee expressed the hope that the Government would review the national legislation in the light of the comments that it had made on this occasion.

The last report of the Government shows that the latter does not contemplate making any amendment to the provisions previously mentioned by the Committee, since in its opinion they meet the economic needs of Madagascar, as they would those of all underdeveloped countries. The Government expresses the hope that the Convention may be modified so as to retain only those provisions which prohibit the hiring of recruited labour to private individuals. It states that it is not in a position to apply the Convention as it is, and that in the absence of such a reform, it would be compelled to denounce the Convention.

With regard to the provisions on compulsory national service, either as military service or as civic service, the Committee refers to the comments made in paragraphs 10 to 12 of its General Report, where it states that since this question is to be considered by the Conference in the discussions contemplated on special programmes

¹ The Government is asked to report in detail for the period ending 30 June 1966.

for youth in connection with training and employment problems, it has decided for the time being not to make further comments on this subject.

The national legislation, however, provides for the possibility of exacting labour or services in circumstances that go far beyond the question of special youth programmes for which the adoption of new standards is contemplated. This applies to the following provisions in particular:

1. By virtue of Ordinance No. 62-062 of 25 September 1962 on the repression of idleness (as amended by Act No. 65-006 of 7 July 1965) and Decree No. 63-268 of 15 May 1963 issued thereunder, all men between 18 and 55 years who cannot prove that they have a regular occupation and do not cultivate minimum areas of land, fixed annually for each rural commune by prefectural order, are deemed idle persons. They can thereupon be required to cultivate a minimum area of land, under conditions laid down by prefectural order, disobedience of these orders being punishable by imprisonment. Decrees issued in 1965 institute attestations or certificates intended to give proof of regular employment or the cultivation of a prescribed minimum area, which must be presented to the administrative authority, the *gendarmérie* or the police, on demand.

2. Section 2 (b) of the Labour Code and Ordinance No. 62-065 of 27 September 1962 provide for the exaction of forced or compulsory labour on work of public interest as a means of recovery of taxes, and Ordinance No. 62-065 provides for the exaction of such work by administrative decision, also as a punishment for failure to pay taxes.

3. By virtue of section 70 of Decree No. 59-121 of 27 October 1959 to organise the prison services, prison labour may be hired out to private undertakings or individuals for public works or economic works included in a plan approved by the economic services; furthermore, subject to special authorisation, prison labour may be hired to private individuals even in other cases if it is impossible to obtain labour on the open market.

These various provisions conflict with Articles 1, 10 and 2, paragraph 2 (c), respectively, of the Convention.

The Committee regrets that the Government has not given further information on a number of other points mentioned in its observation of 1964 (such as work carried out under a *fokonolona* agreement) and in a direct request made the same year.

Since the function of the Committee is to consider, at the legal level, whether governments that have ratified Conventions give effect to them in their national law and practice, it can only observe, in these circumstances, that effect is not given in the Malagasy Republic to various provisions of the Convention. It notes that the Government has stated that it contemplates denouncing the Convention. The Committee feels that it should appeal to the Government, in view of the forthcoming consideration by the Conference of questions related to special youth programmes, to be good enough for its part to reconsider the provisions mentioned above relating to other points and impairing the application of the basic principles of the Convention, which other developing countries have felt it possible to observe. The Committee hopes that the Government will adopt a positive approach to this question and give information in its next report enabling both the Committee and the Conference to assess the existing situation in respect of the above-mentioned points, the problems arising and any measures adopted.

Nicaragua (ratification: 1934). The Committee notes the Government's statement in answer to the question contained in the observation made in 1965 that although under article 320 of the Constitution military service is compulsory, this provision has not been implemented in practice.

The Committee regrets to note, on the other hand, that the Government, apart from indicating in general that penal labour on public works imposed under the Penal Code and the Police Regulations is carried out in conformity with the requirements of Article 2, paragraph 2 (c), of the Convention, has once more failed to reply to the requests and observations made ever since 1959, in which the Committee requested the Government:

- (a) to supply copies of the laws and regulations governing prison labour; and
- (b) to supply a copy of the 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).

In the absence of these legislative texts the Committee is unable to ascertain whether the Convention is fully observed, and it accordingly once more urges the Government to provide the legislation in question without delay.¹

Niger (ratification: 1961). The Committee notes with satisfaction that, following a direct request relating to Decree No. 63-103 of 15 June 1963 concerning the organisation and regulations of penitentiary establishments, sections 94, 99, 100 and 102 of which permitted the hiring out of prisoners to private undertakings, Decree No. 65-162/PRN/MI of 4 November 1965 has amended the first of these sections and repealed the others, so as to bring the first-mentioned decree into conformity with Article 2, paragraph 2 (c), of the Convention.

Norway (ratification: 1932). The Committee notes the information supplied by the Government on the Temporary Act of 21 June 1956 concerning compulsory service for dentists (the validity of which was subsequently prolonged to 30 June 1969), under which, subject to penal sanctions, newly qualified dentists may be called up for public service for a maximum period of 18 months whenever there is an unfilled post in the public dental service. The Committee has also taken note of the observations made by the Norwegian Dentists' Association and the Norwegian Academic Union, supported by other Scandinavian academic professional associations, expressing the view that the provisions of this Act are incompatible with the Convention. It notes that the Government, referring to these observations, has emphasised the temporary nature of the Act, which is intended to deal with an exceptional situation involving the well-being of the populations in remote regions. It also notes that various means of finding a long-term solution to these problems are being studied. The Committee requests the Government to supply information in its reports on further developments in this regard.²

Pakistan (ratification: 1957). For the third year in succession no report has been supplied on the application of this Convention, and therefore no information is available in answer to the direct requests made repeatedly since 1962. The Committee is once more addressing a direct request to the Government, and urges it to supply full information on the various points raised. In the absence of such information, the Committee cannot be satisfied that the provisions of the Convention are being effectively observed.

Portugal (ratification: 1956). The Committee notes with interest that, following a direct request made in 1963, sections 26 and 261-263 of Legislative Decree No. 26643

¹ The Government is asked to report in detail for the period ending 30 June 1966.

² As the European Commission of Human Rights, which has already given a decision concerning the legislation mentioned in the above observation, may again be called upon to consider this matter, Mr. Petrén (the Chairman of the European Commission) did not participate in the Committee's consideration of this case.

of 28 May 1936 were amended by Legislative Decree No. 45610 of 12 March 1964, so as to exempt persons in preventive detention pending charge or trial from the obligation to work imposed on convicted persons, in accordance with Article 2, paragraph 2 (c), of the Convention.

Certain other provisions under which persons who have not been convicted in a court of law may be detained and made to perform labour are being dealt with in a further direct request which the Committee is addressing to the Government.

Sweden (ratification: 1931). The Committee notes with satisfaction that, following its earlier observations and requests, Act No. 450 of 4 June 1964 relating to socially maladjusted persons provides that decisions to intern such persons in work-houses have to be taken by a court of law, and that certain provisions in the Social Assistance Act and the Child Welfare Act, under which administrative authorities could order persons to perform labour in a work-house, were repealed by Acts Nos. 66 and 67 of 3 April 1964, thus ensuring conformity with Article 2, paragraph 2 (c), of the Convention.

Upper Volta (ratification: 1960). Referring to its observation of 1965 the Committee notes with interest the statement by the Government that studies are in progress with a view to amending the legislation so as to bring it into full conformity with ratified Conventions.

The Committee recalls that in its previous observation it had noted a number of divergencies from the Convention, particularly in connection with:

(a) Act No. 6-63-AN of 29 January 1963 respecting the utilisation of persons to ensure the economic and social progress of the nation, which permits the calling up of the population to do work of national interest, contrary to Articles 1 and 4 of the Convention;

(b) section 2 of the Labour Code and sections 91 and 99 of the Order of 4 December 1950 to issue prison regulations, which permit the hiring of prisoners to private persons or undertakings, contrary to the provisions of Article 2, paragraph 2 (c), of the Convention;

(c) section 14 of Act No. 25-60 of 3 February 1960, which permits the exaction of forced labour for the recovery of taxes, contrary to Article 10 of the Convention.

The Committee hopes that the Government will shortly take the necessary measures to bring the legislation into harmony with the Convention on these points.

With regard to the application of Article 2, paragraph 2 (a), of the Convention, the Committee refers to paragraphs 10 to 12 of its General Report.

Venezuela (ratification: 1944). The Committee notes with regret that the Government's report for 1962-64, which was supplied only after the Committee's meeting in 1965, did not contain any information in answer to the various points raised by the Committee in requests made repeatedly since 1960, concerning the application of Article 2, paragraph 2, and Article 25 of the Convention, and that this year no report has been supplied. The Committee must emphasise that in the absence of this information it cannot be satisfied that the provisions in question are being effectively observed, and it urges the Government to supply a report containing detailed information on these matters, which are once more dealt with in a direct request.

Viet-Nam (ratification: 1953). The Committee regrets to note that no report has been supplied and that accordingly no information is available on the points raised by the Committee in its observation and request made in 1964. The Committee has for a number of years pointed out the need to amend section 8 of the Labour Code (which prohibits forced labour with certain exceptions) so as to abolish the exception

concerning work and services arising from fiscal obligations. The Committee recalls that the Government has given repeated assurances ever since the report for the period 1956-67 that appropriate legislation would be enacted. Assurances have also been given for a number of years that new regulations governing prison labour would be adopted. The Committee once more expresses the hope that the Government will take the necessary steps to have such legislation adopted.

With regard to its previous comments on the exception under section 8 of the Labour Code relating to military service, the Committee refers to paragraphs 10 to 12 of its General Report.

Zambia (ratification: 1964). The Committee notes with satisfaction that, following its previous comments, sections 10 and 12 of the District Messengers Ordinance, regarding certain disciplinary offences, were repealed by an Order of 29 June 1964.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Austria, Brazil, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Chad, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, Federal Republic of Germany, Ghana, Guinea, Honduras, Iceland, India, Iraq, Ivory Coast, Kenya, Laos, Liberia, Libya, Malaysia, Mali, Mauritania, Morocco, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Portugal, Rumania, Senegal, Sierra Leone, Singapore, Sudan, Switzerland, Tanzania, Togo, Tunisia, Uganda, Ukraine, U.S.S.R., Venezuela, Viet-Nam, Zambia.*

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Nicaragua (ratification: 1934). See under Convention No. 1.

Spain (ratification: 1932). See under Convention No. 1.

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, 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 hopes that the Government will make every effort to take the necessary action without further delay and will not fail to supply in its next report the information requested.

* * *

In addition, a request regarding certain other points is being addressed directly to *Spain*.

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

Mexico (ratification: 1934). The Committee notes from the statement made by a Government representative to the Conference Committee in 1965, in reply to the previous observations, that the Ministry of Shipping has been requested to take the necessary measures in order to fill certain gaps in the national legislation and that this Ministry had brought the text of the Convention to the notice of the port authorities and of labour inspectors. As the report does not however contain any new information on the position of national legislation in respect of this Convention, the Committee must assume that no progress has been made in giving effect to Articles 4, 6, 11 and 13 of the Convention, which require the adoption of appropriate regulations for their implementation. In these circumstances the Committee urges the Government once again to take without further delay all necessary measures with a view to ensuring the full application of the Convention, which was ratified more than 30 years ago.

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In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

A request regarding certain points is being addressed directly to *Senegal*.

Information supplied by *Mali* 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 notes with regret that the report for 1964-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Mexico* and *Spain*.

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933

A request regarding certain points is being addressed directly to *Chile*.

Convention No. 41: Night Work (Women) (Revised), 1934

Afghanistan (ratification: 1939). See under Convention No. 4.

Burma (ratification: 1935). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Government's report merely states that "steps will be taken to denounce this Convention in due course". The Committee takes note of this information with regret and wishes to point out that, as long as the Convention remains in force in Burma, full reports on its application continue to be due by the Government.

Ceylon (ratification: 1950). Further to its previous observations the Committee notes with satisfaction the adoption of the Employment of Women, Young Persons and Children (Amendment) Act, No. 43 of 1964, which brings the national legislation into fuller conformity with Articles 2 and 3 of the Convention.

Guinea (ratification: 1959). See under Convention No. 4.

Hungary (ratification: 1936). In reply to the Committee's observations since 1955 concerning the limitation of the night-work prohibition to pregnant women and nursing mothers, the Government announces the result of its detailed studies of this problem, i.e. the manpower situation, particularly in the textile industry, requires the continued employment of women at night which makes it therefore impossible to forbid night work for women in industry on a general basis as required by the Convention. The Government adds that it does not intend, however, to denounce the Convention and that, as other countries are confronted by the same problem, the I.L.O. should take such difficulties into account.

The Committee must draw attention to the fact that the situation in Hungary is incompatible with the obligations arising out of the Convention and it hopes that the Government will reconsider its position.¹

Peru (ratification: 1945). See under Convention No. 4.

Venezuela (ratification: 1944). Further to its direct requests made since 1960 the Committee notes with regret that the Government's report again fails to indicate whether any exception to the night-work prohibition has been authorised under section 105 of the Labour Act, 1947, which allows such exceptions to be made in cases specified by the Federal Executive, in regulations under the Act, or in special decisions. The Committee therefore trusts that the Government will not fail to supply the above information with its next report.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Ceylon, Congo (Brazzaville), Iraq.*

**Convention No. 42: Workmen's Compensation
(Occupational Diseases) (Revised), 1934**

Argentina (ratification: 1950). The Committee notes with regret that the Government report contains no reply to the observation and requests that it has been making since 1959 on the application of the Convention. In its report for 1959-61 the Government stated that a ministerial committee, established by Resolution

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

No. 383/61, was to prepare a draft text to complete, along the lines of the Schedule in the Convention, the list of occupational diseases appended to Act No. 9698 of 11 October 1915 as amended.

The Committee hopes that this list will shortly be completed and that the draft amendment to the national legislation will also contain a list of activities likely to cause these diseases, in accordance with the provisions of the Convention.¹

Bolivia (ratification: 1954). Referring to its previous observation and requests the Committee takes note with interest of the Government's statement that a Bill is being prepared to bring the national legislation into full harmony with the Convention in respect of the addition to the list of occupational diseases of anthrax infection, silico-tuberculosis, all forms of poisoning due to benzene or its homologues or their nitro or amido-derivatives and the sequelae of poisoning by lead, mercury, phosphorus and arsenic. The Committee also notes that measures will be taken to have the activities likely to cause the occupational diseases listed by the Convention inserted in the schedule in the national legislation.

The Committee hopes that the above-mentioned Bill will shortly be adopted and that the national legislation will thus be brought into full harmony with the Convention, as the Government states.

Congo (Leopoldville) (ratification: 1960). The Committee notes with interest that, following its requests, instructions have been given to the competent administrative service to have a draft ordinance submitted urgently to the President of the Republic containing a list of occupational disease. This list would include, *inter alia*, the extension of compensation to silico-tuberculosis and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and would also contain a list of activities likely to cause these forms of poisoning, in accordance with Article 2 of the Convention.

Czechoslovakia (ratification: 1949). In its reply to the observations and requests made by the Committee as regards the addition of the loading and unloading or transport of merchandise to the list of activities that may cause anthrax infection, the Government states once more that the terms "undertakings in which workers are exposed to the risk of diseases communicable to human beings from animals" either directly or by carriers, or "where it can be proved that the disease had the origin in the employment" (which terms have been included in the new list of occupational diseases appended to the Notification of 8 June 1964, text No. 102) also cover undertakings engaged in the loading and unloading or transport of merchandise in general; the Government adds that workers employed in these activities and suffering from anthrax infection are therefore exempted from the necessity of proving the occupational origin of their disease, particularly since the competent public health services carry out a compulsory inquiry in the event of infectious disease with a view to detecting the source of infection and the causes and means of its spreading.

In these circumstances the Committee hopes that there will be no difficulty in bringing the legislation into full harmony with the Convention on these points, particularly since in practice the protection of workers suffering from anthrax infection is, according to the Government, ensured to the greatest possible extent.

Denmark (ratification: 1939). Referring to its previous observation and requests the Committee notes with satisfaction that under the amendment to the 1959 Industrial Injuries Insurance Act, adopted on 27 May 1964, when it is uncertain whether

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

a reduction of working capacity or death is due to an industrial accident or occupational disease, it is presumed to be of occupational origin, unless there is every probability that this is not so.

The Committee also notes with satisfaction that the regulations of 19 October 1964 (No. 309) have modified section 1A, paragraph 1 (vii), of the 1959 Act, which relates to disorders due to radiation, in such a way as to cover the risks covered by the Convention.

France (ratification: 1948). The Committee notes the information given by the Government to the Conference Committee in 1964, and reproduced in its last report, in reply to the observations that the Committee had been making for several years on certain discrepancies between the national legislation and the Convention.

1. With regard to the restrictive character of the list of pathological manifestations in the schedules of occupational diseases in the French legislation, the Committee can only refer to its previous comments.

It wishes, nevertheless, to point out that the listing, in this legislation, of the pathological symptoms or manifestations likely to be caused by the various harmful agents covered by the Convention would in no way be incompatible with the provisions of the Convention, and would, as the Government states, involve "essential additions making it possible to achieve... the aim sought by the Convention", if it were of an illustrative nature and so made it possible to compensate also diseases whose symptoms are not specifically mentioned in the national legislation, though they can be caused by the harmful substances or agents covered by the Convention.

The Committee continues therefore to be of the opinion that the full application of the Convention would require the adoption of measures which would specify the illustrative nature of the schedules mentioned above (for example, as it suggested in 1964, by connecting the items giving the various diseases in the schedules of the national legislation by the word "including", with the pathological symptoms listed after these items in the left column of the schedules in question, or by replacing the words "diseases caused by..." by the words "principal diseases caused by..."). A solution of this kind would be likely to dispose of the difficulty pointed out above. Such solutions have, moreover, been adopted by certain other States whose legislation in this field is based on French legislation.

2. With regard to the other discrepancies between the list of the French legislation and that of the Convention, the Committee notes with interest the statement by the Government that the inquiry on the addition to this list of diseases caused by the halogen derivatives of hydrocarbons of the aliphatic series and diseases caused by the compounds of phosphorus of which only some appear in the legislation is in progress, and that several new schedules of occupational diseases will be submitted to the French Industrial Health Committee for approval at its next session. The Committee also notes that the Government intends to make as much use as possible of the medical and technical information that it will receive as a result of the application of Decree No. 63-865 of 3 August 1963, which revises the list of occupational diseases that must be notified by any medical practitioner diagnosing them.

The Committee trusts that the new schedules of occupational diseases (to which the Government also referred in its report for 1961-63) will be adopted in the near future, and that they will include not only poisoning by all the halogen derivatives of hydrocarbons of the aliphatic series and poisoning by all the compounds of phosphorus, but also epitheliomatous cancer of the skin caused by tar, bitumen, mineral oil, paraffin and the residues and compounds of these substances, as well as the loading and unloading or transport of merchandise in general, the latter being activities likely to cause anthrax infection.

The Committee would be glad if the Government would indicate in its next report the measures it has been able to take in the various fields mentioned above.

Greece (ratification: 1952). The Committee notes with satisfaction that, in reply to its requests, Ministerial Order No. 34406/1194 of 26 June 1964 supplements the list of occupational diseases in such a way as to add to the activities corresponding to anthrax infection the loading and unloading or transport of merchandise, in accordance with the Convention.

Haiti (ratification: 1955). Referring to its earlier observations the Committee notes with satisfaction that the compulsory accident-insurance scheme has been extended by the decision of the Secretary of State for Labour dated 4 October 1965 to the whole national territory and in such a way as to cover all workers.

The Committee would be grateful if the Government in its next report would give information on the cases of occupational diseases for which compensation has been granted in consequence of this extension, since the relevant statistics in the last report refer only to industrial accidents.

Iraq (ratification: 1941). Following its earlier requests the Committee notes with satisfaction the new Social Security Law (Act No. 140 of 25 August 1964, which came into force on 10 October 1965), which prescribes no waiting period for the payment of compensation for occupational disease, in conformity with the requirements of the Convention.

Luxembourg (ratification: 1958). As regards both Convention No. 18 and Convention No. 42, the Committee has, for several years, requested the Government to adopt the necessary measures to bring the national legislation into harmony with the Convention in respect of certain activities corresponding to anthrax infection, and in particular the loading and unloading or transport of merchandise. The Committee noted in 1964 that a revision of the list of occupational diseases was under consideration with a view to bringing it into harmony with the Convention.

The new list has been established by the regulations of 26 May 1965, and the Committee notes that it does not mention among the activities likely to cause infectious diseases "transmissible by animals to men" (item 51 of the list, which also seems to cover anthrax) the operations covered by the Convention. Since the Convention is intended to protect both workers in contact with animals infected with anthrax and those engaged in the handling of animal residues or the loading and unloading or transport of merchandise in general, for whom the Convention establishes a presumption of occupational origin of the disease, the Committee would be grateful if the Government would indicate what measures it contemplates taking to give full effect to the Convention in this connection.

Mexico (ratification: 1937). In regard to the divergencies between section 326 of the Federal Labour Act and Article 2 of the Convention, see under General Observations—Mexico.

Morocco (ratification: 1957). The Committee notes that no progress has been made in the adoption of the draft text that was, according to the Government, to amend the list of occupational diseases appended to the order of 31 May 1943 so as to bring it into harmony with the Schedule in the Convention.

In the observation and direct requests that it has been making since 1960, the Committee has pointed out that the list in the national legislation does not cover all forms of poisoning by lead, mercury, phosphorus, arsenic, the alloys, amalgams or compounds of these substances, the halogen derivatives of hydrocarbons of the aliphatic series and the amido-derivatives of benzene or its homologues.

The Committee hopes that this draft will shortly be adopted.

New Zealand (ratification: 1938). The Committee takes note of the Government's reply to the observation and requests made during recent years on the establishment of a list of occupational diseases in accordance with Article 2 of the Convention.

As the Committee has already had occasion to explain, the double-list system, prescribed by the Convention, is intended to establish a presumption of occupational origin for all the diseases listed in the Schedule of the Convention when they are contracted by workers belonging to industries or occupations in the Schedule, without it being necessary for the workers concerned to prove a cause-and-effect relationship between their disease and the occupation they follow, as it seems to be under the national legislation.

The Committee therefore notes with interest that the Government intends to reconsider the question in the general review of legislation on workmen's compensation that is in course of preparation, and hopes that the next report will contain information on any progress made in this direction.

Republic of South Africa (ratification: 1952). Since the Government has supplied no report for the period 1963-65, the Committee has no information on the measures that may have been adopted to bring the national legislation into full harmony with the Convention, particularly in respect of silicosis in association with tuberculosis and a number of points connected with poisoning by arsenic, mercury and phosphorus, primary epitheliomatous cancer of the skin, and the time limit for the appearance of certain of the diseases mentioned by the Convention.

The Committee hopes that the amendments to the national list of occupational diseases, which were under study, according to the report communicated by the Government in 1963, have been adopted.

Sweden (ratification: 1937). The Committee notes the information given by the Government both to the Conference Committee (in 1964) and in its last report, in reply to the observations and requests on the establishment of a presumption of occupational origin, in accordance with the provisions of the Convention, in respect of the diseases appearing in the first column of its schedule when they are contracted by workers belonging to the industries and trades listed in the second column of this schedule.

With regard to the conformity of the national legislation with the Convention on this point, the Committee can only refer to its previous observations and requests.

It notes moreover the statement by the Government that the special committee set up to review the present employment injury insurance scheme will also study the possibility of ratifying the Employment Injury Benefits Convention, 1964 (No. 121), in view of the provisions of Article 8 (b) of this Convention.

The Committee hopes that the next report will indicate the decisions taken in this connection.

United Kingdom (ratification: 1936). Referring to the requests that it has been making since 1960 on anthrax infection (loading and unloading or transport of merchandise) and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, the Committee regrets to observe that the reply by the Government to its requests contains no information on any measures that may be contemplated to bring the national legislation into full harmony with the Convention in respect of the above-mentioned points.

The Committee had explained in detail in its previous requests the reasons why it considers that the national legislation does not give full effect to the Convention in respect of these points, and it trusts that the Government will not fail to reconsider the question and adopt the necessary measures in the near future.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee has noted the Government's reply to the observation and requests made in previous years with regard to the list of occupational diseases, which diverges in many respects from the Convention, and has noted the Government's statement that poisoning by phosphorus or its compounds, arsenic or its compounds and the halogen derivatives of hydrocarbons of the aliphatic series, as well as operations likely to give rise to such poisonings, are regarded as hazards covered by the national legislation. The Committee would be grateful if the Government would, in its next report, supply detailed information with regard to the laws, regulations, administrative instructions, etc., which provide that workmen's compensation shall be payable in respect of such poisonings, as provided by the Convention.

The other points on which the national legislation is not in conformity with the table in Article 2 of the Convention are mentioned in a further request addressed to the Government directly.

The Committee has also noted the Government's statement that the Convention was incorporated in the municipal law of Uruguay by the mere fact of its ratification and that it has become applicable without there being any need for special legislation. The Committee therefore requests the Government to communicate in its next report any court decisions, administrative circulars, decisions of insurance bodies or other information (statistics, etc.) confirming that in practice the Convention is applied by virtue of the fact that it has been incorporated in the national legislation, especially with regard to the points raised by the Committee.

In such cases, both the Committee of Experts and the Conference Committee have taken the view that even when such incorporation leads to the abrogation or implicit amendment of earlier legislation, the best solution would be for the national legislation to be brought into formal conformity with the Convention so that all those concerned (judges, labour inspectors, employers and workers) may be aware of the changes made and so as to avoid any uncertainty with regard to the legal position.

The Committee hopes that the necessary measures to bring the national legislation into full harmony with the Convention may be taken without difficulty (as indicated by the Government in one of its previous reports) and that the next report will contain information on the progress made along these lines.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Australia, Belgium, Burundi, Cuba, Czechoslovakia, Denmark, Finland, Federal Republic of Germany, Iraq, Ireland, Luxembourg, Malta, Netherlands, Rwanda, Spain, Turkey, Uruguay.*

Convention No. 43: Sheet-Glass Works, 1934

Mexico (ratification: 1938). With regard to the discrepancies between section 75 of the Federal Labour Act and Articles 2 and 3 of Conventions Nos. 43 and 49, see under General Observations—Mexico.

With regard to the provisions of these instruments that require statutory measures of implementation, the Committee recalls the points already indicated in its earlier observations. It hopes that the Government will not fail to take suitable measures to fix the compensation that must be granted to shift workers in sheet-glass and automatic glass-bottle works for additional hours worked in the event of a catastrophe or imminent danger (Article 3, paragraph 2, of Conventions Nos. 43 and 49) and to ensure that a record is kept in these cases and in all other cases in which additional hours are worked (Article 4 of these Conventions).

The Committee hopes that the next report will indicate the measures that have been adopted.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its observation made in 1964 and 1965, 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))?

Recalling that these points have remained unanswered since 1957, the Committee addresses an urgent appeal to the Government to supply the necessary information without further delay.¹

Convention No. 44: Unemployment Provision, 1934

Bulgaria (ratification: 1949). The Committee notes the information communicated by the Government in reply to its previous observations and requests.

Czechoslovakia (ratification: 1950). Referring to its previous observations on the adoption of a system providing the involuntarily unemployed with a benefit or an allowance in accordance with the provisions of the Convention, the Committee notes with interest that section 26, subsection 2, of the new Labour Code, which was to come into force on 1 January 1966, makes possible the issuing of "provisions on the material security that protects citizens before they are employed or facilitates their placement".

The Committee would be grateful if the Government would state in its next report whether such provisions have been issued in order to ensure the application of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Norway, Peru*.

Information supplied by *France* in answer to a direct request has been noted by the Committee.

Convention No. 45: Underground Work (Women), 1935

Chile (ratification: 1946). Following its previous requests and observations the Committee notes with satisfaction that Act No. 16-311 of 29 October 1965, article 2, inserts in the Labour Code an article restricting the exceptions regarding the employment of women on underground work in mines to those enumerated in Article 3 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

China (ratification: 1936). The Committee notes with interest the Government's statement confirming that section 187 (2) of the Regulations for Security in Mines, which permitted the employment of women on light work underground in mines, was suspended by order of the Government on 1 January 1964. It also notes that, according to the Taiwan Industrial and Mining Inspection Commission, no women workers had been reported in mines by the end of 1963. The Committee would be glad if the Government would attach to its next report a copy of the order suspending section 187 (2) of the Regulations.

Furthermore, despite the progress noted above in regard to the Regulations (which, according to the Government, apply to all mines regardless of their size), the Committee hopes that steps will be taken to modify the Mines Act, 1950: this text contains the basic prohibition regarding the employment of women in underground work and its scope is limited to mines where over 50 workers are employed simultaneously. This is not in conformity with the Convention which applies to all mines without any such restriction.

Yugoslavia (ratification: 1952). Further to its earlier observations the Committee notes with satisfaction that section 76 of the old Labour Employment Relationships Act has been repealed by section 33 of the basic Act on Employment Relationships of 4 April 1965, which prohibits, in accordance with Article 2 of the Convention, the employment by labour organisations of women generally for underground work.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Australia, Austria, Costa Rica, Greece, Hungary, Malaysia (States of Malaya), Switzerland, Yugoslavia.*

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Information supplied by *Singapore* in answer to a direct request has been noted by the Committee.

Convention No. 48: Maintenance of Migrants' Pension Rights, 1935

Hungary (ratification: 1937). The Committee notes that in its report the Government reaffirms its position in regard to the difficulties in applying the Convention which have called for comments by the Committee in previous years, and that it asks for further explanations. The Committee reminds the Government that the purpose of the Convention is to establish between the States which have ratified it an international reciprocal scheme for the maintenance of rights in respect of invalidity, old-age and survivors' pensions, and that in particular it imposes the following fundamental obligations:

1. Maintenance of Rights in Course of Acquisition (Part II). Under Article 3, every insurance period (subject to the proviso in Article 4) spent in a State which has ratified the Convention should serve as qualification for a pension, which may vary according to the time spent in insurance, in the case of a person satisfying the conditions for entitlement to a pension, account being taken of successive periods (to be totalised) spent in different States which have ratified the Convention (Article 2). The benefit calculated in accordance with Article 3 of the Convention is payable by the insurance institution of the member State in which the corresponding insurance period was spent (unless a different arrangement has been agreed upon as permitted under Articles 6 (b) and 16 of the Convention).

2. Maintenance of Acquired Rights (Part III). Persons who have acquired pension rights in a State which has ratified the Convention should continue to receive benefit

(a) if they are resident in the territory of any State which has ratified the Convention, irrespective of their nationality, and (b) if they are nationals of a State which has ratified the Convention, irrespective of their place of residence (Article 10). The pension is payable by the insurance institution of the country where the right to benefit has been acquired (unless a different arrangement has been agreed upon as permitted under Article 16).

3. Mutual Assistance in Administration (Part IV). The authorities and insurance institutions of all States which have ratified the Convention must afford assistance to one another in the application of the rules laid down by the Convention (Article 14).

The Committee hopes that these explanations will enable the Government to state in its next report what measures it has taken or proposes to take to ensure the maintenance of rights in course of acquisition and acquired rights in conformity with the Convention.

Spain (ratification: 1937). Referring to the observations and requests that it has made for a number of years on the application of the Convention to foreign nationals (other than those of the Spanish-American countries, Andorra, the Philippines, Portugal and Brazil), the Committee notes with interest the information supplied to the Conference Committee in 1964 as well as the report for 1963-65. It observes that the provisions to be issued in pursuance of section 8 in Division II of Act No. 193 of 28 December 1963 to define the basic principles of social security will give effect to the Convention in respect of the placing of the foreign nationals in question on the same footing as Spanish nationals, since in their case account will be taken of Conventions or agreements ratified.

The Committee hopes that these legislative texts will be issued shortly in order to ensure the maintenance of pension rights for the nationals of all States Members bound by the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Hungary, Israel, Netherlands, Poland, Yugoslavia*.

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935

Mexico (ratification: 1938). See under Convention No. 43.

Convention No. 50: Recruiting of Indigenous Workers, 1936

Argentina (ratification: 1950). In 1965 the Committee urged the Government to take steps without delay to ensure the full implementation of the Convention, in particular Articles 4 to 10, 13 (paragraphs 1 (a) and (d), and 2 to 6), 14 to 18, 19 (paragraphs 2 to 4), 20 (paragraphs 2 and 3), 21 to 24. At the Conference in 1965 a Government representative stated that Bills were being prepared to bring national legislation into conformity with the Convention and that account would be taken in this connection of the observations made by the Committee; a formal promise was given to the Conference Committee that the Bills concerned would be submitted to Parliament and that the Government would do everything possible to have them adopted. The Committee regrets to note that, in spite of these formal assurances, the Government's report merely indicates that a supplementary report containing the texts of the draft legislation in question will be supplied before the 50th Session of the Conference.

The Committee must place on record that, although the Convention was ratified 16 years ago, no laws or regulations exist which give effect to the above-mentioned provisions of the Convention. The Committee accordingly urges the Government once more to take the necessary measures without delay to ensure the full implementation of the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Malawi, Tanzania (Zanzibar)*.

Convention No. 52: Holidays with Pay, 1936

Albania (ratification: 1957). In 1965 the Committee had made a direct request concerning the application of this Convention. In the absence of a report, the Committee must repeat its question as follows:

Article 4 of the Convention. The Committee notes that section 93 of the Labour Code contains provisions regarding cash compensation in lieu of holidays and the postponement of holidays. It hopes that these provisions of the Labour Code will be modified so as to ensure that compensation and postponement should not be allowed to affect the granting each year of the minimum holiday prescribed by the Convention.

Article 7. As already requested on previous occasions, please indicate whether employers are required to enter in a register the details referred to in Article 7 of the Convention; if so, please supply a copy of this register.

Bulgaria (ratification: 1949). The Committee notes with satisfaction from the Government's reply to its request of 1964 that section 177 (b) of the Labour Code, which provided for the forfeiture for three years of "rights conferred by the Code in consideration of uninterrupted qualifying service" upon unilateral termination by a worker of a contract of employment, has been abrogated by Decree of 3 August 1965.

Burma (ratification: 1954). The Committee notes with regret that the Government's report for the period 1963-65 has not been received. It recalls that observations and requests on this Convention have been pending for several years and expresses the hope that the projected new labour laws mentioned by the Government in its report for the period 1961-63 will be adopted in the near future and will take account of the various points listed once again in a request sent directly to the Government.

Byelorussia (ratification: 1956). The Committee notes with interest from the reply to its previous observation that the practice of replacement of holidays by cash compensation is obsolete, since no funds are now made available for this purpose. The Committee would be glad, in these circumstances, if the Government would consider amending sections 91 and 116 of the Labour Code and the Regulations of 30 April 1930, in order to bring the legislation into conformity with the Convention.

In addition, whilst noting that the annual holiday in Byelorussia is longer than that required by the Convention, the Committee points out once again that the following steps are required in order to ensure full compliance between the legislation and the Convention:

- the modification of section 120 of the Labour Code and sections 19 and 23 of the Regulations so as to ensure that only that part of the holiday which exceeds the minimum duration prescribed by the Convention may be postponed;

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

- the modification of section 19 of the Regulations so as to ensure that, when holidays are divided into parts, one of these parts shall consist of at least the minimum duration prescribed by the Convention.

Czechoslovakia (ratification: 1950). The Committee refers to a direct request made in 1964 and notes with satisfaction that section 109 (3) of the Labour Code of 1965 has removed certain discrepancies regarding the grant of compensation for leave not taken.

Hungary (ratification: 1956). Further to previous comments on Article 2, paragraph 4, of the Convention, the Committee notes with satisfaction the statement that section 16 (2) of Decree No. 9/1964 provides that one part of the holiday must consist of at least six working days.

Italy (ratification: 1952). The Committee takes note of the detailed information supplied by the Government to the Conference Committee in 1964. It notes from this reply to its observations that the Government considers the Convention to be satisfactorily applied under the existing system in Italy, i.e. certain provisions in the Constitution and the Civil Code, legislation applying to commerce, collective agreements, custom and equity, and the fact that ratified Conventions acquire the force of law.

However, in view of the diversity of the methods mentioned by the Government and the consequent difficulty in ascertaining the degree of conformity between the national provisions and those of the Convention, the Committee welcomes the statement that "in connection with the present Convention, the Government will examine what measures may have to be taken with a view to securing full conformity with the instrument".

Accordingly, the Committee hopes that such measures may soon be adopted, if possible in the form of a comprehensive text, it being understood that more favourable standards prescribed by collective agreements or otherwise would naturally remain unaffected.

Mexico (ratification: 1938). In regard to the divergencies between section 210 of the Federal Labour Act and Article 1 of the Convention, see under Mexico in the General Observations.

Ukraine (ratification: 1956). The Committee notes that, in reply to observations and requests, the Government merely refers to its previous reports.

Accordingly, whilst noting that the annual holiday in Ukraine is longer than that required by the Convention, the Committee points out once again that the following steps are required in order to ensure full compliance with the Convention:

- the modification of sections 91 and 116 of the Labour Code and sections 23 to 27 of the Regulations of 30 April 1930, so as to ensure that only that part of the holiday which exceeds the minimum duration prescribed by the Convention may be replaced by compensation in cash;
- the modification of section 120 of the Code and sections 19 and 23 of the Regulations, so as to ensure that only that part of the holiday which exceeds the minimum duration prescribed by the Convention may be postponed;
- the modification of section 19 of the Regulations, so as to ensure, that when holidays are divided into parts, one of these parts shall consist of at least the minimum duration prescribed by the Convention.

U.S.S.R. (ratification: 1956). The Committee notes that, in reply to observations and requests, the Government merely refers to its previous reports.

Accordingly, whilst noting that the annual holiday in the U.S.S.R. is longer than that required by the Convention, the Committee points out once again that the following steps are required in order to ensure full compliance between the legislation and the Convention:

- the modification of sections 91 and 116 of the Labour Code of the R.S.F.S.R. and sections 23 to 27 of the Regulations of 30 April 1930, so as to ensure that only that part of the holiday which exceeds the minimum duration prescribed by the Convention may be replaced by compensation in cash;
- the modification of section 120 of the Code and sections 19 and 23 of the Regulations, so as to ensure that only that part of the holiday which exceeds the minimum duration prescribed by the Convention may be postponed;
- the modification of section 19 of the Regulations so as to ensure that, when holidays are divided into parts, one of these parts shall consist of at least the minimum duration prescribed by the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Cuba, Czechoslovakia, Dominican Republic, Finland, France, Gabon, Greece, Hungary, Iraq, Israel, Ivory Coast, Kuwait, Libya, Malagasy Republic, Mauritania, Morocco, New Zealand, Peru, Senegal, Syrian Arab Republic, Tunisia, United Arab Republic, Yugoslavia.*

Information supplied by *Argentina, Brazil Italy* in answer to direct requests has been noted by the Committee.

Convention No. 53: Officers' Competency Certificates, 1936

Bulgaria (ratification: 1949). Further to its previous observations and requests, the Committee notes with satisfaction the text of the Regulations of 1961, which came into force in 1962, relating to seafarers' competency certificates.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Mauritania, Peru, Philippines, Syrian Arab Republic.*

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

Liberia (ratification: 1960). Since 1961 the Committee has 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: *Liberia, Morocco, Peru.*

Information supplied by *Mexico* in answer to a direct request has been noted by the Committee.

Convention No. 56: Sickness Insurance (Sea), 1936

Requests regarding certain points are being addressed directly to the following States: *Algeria, Belgium, Peru, Yugoslavia.*

Information supplied by *Bulgaria* in answer to a direct request has been noted by the Committee.

Convention No. 58: Minimum Age (Sea) (Revised), 1936

Uruguay (ratification: 1954). In 1964 and 1965 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: *Greece, Jamaica, Liberia, Tanzania (Zanzibar), Turkey, Uruguay.*

Convention No. 59: Minimum Age (Industry) (Revised), 1937

Uruguay (ratification: 1954). In 1964 and 1965 the Committee had made a direct request concerning the application of this Convention. In the absence of a report the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

* * *

In addition, a request regarding certain other points is being addressed directly to *Uruguay.*

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937

Uruguay (ratification: 1954). See under Convention No. 59.

* * *

In addition, a request regarding certain other points is being addressed directly to *Uruguay.*

Convention No. 62: Safety Provisions (Building), 1937

Mexico (ratification: 1941). In its previous observations the Committee had drawn the Government's attention to the following divergencies.

Federal District. No effect is given to Articles 11 to 15 of the Convention which require special regulations on hoisting appliances used in building operations. The 1951 Regulations on building and urban services for the Federal District also require amendment so as to prescribe special measures of protection against the risk of drowning (Article 17 of the Convention).

States of the Republic. There are no regulations to give effect to the Convention in the states so that the majority of Mexican building workers remain without the benefit of the protective measures laid down in this instrument.

In these circumstances the Committee takes due note of the Government's assurance that the competent authorities have been requested to modify the Regulations on building and urban services for the Federal District so as to give effect to Articles 11 to 15 and Article 17 of the Convention in the Federal District and that the Federal Government has again drawn the attention of the State Governors to the absolute necessity of adopting regulations in strict conformity with the Convention. The Committee trusts that it will be possible through the early adoption of these various measures to ensure the full application, throughout the national territory, of the Convention, which was ratified 25 years ago.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was 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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

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In addition, a request regarding certain other points is being addressed directly to *Mauritania*.

Convention No. 63: Statistics of Wages and Hours of Work, 1938

Chile (ratification: 1957). Part II of the Convention. The Committee notes with interest from the reply to the observation of 1965 that the Central Board of Statistics and Census has compiled a new set of statistics of average monthly earnings in manufacturing and mining and an index of monthly earnings covering manufacturing, mining, transport, public administration, and public utility services. The Committee hopes that measures will also be taken (*a*) to compile statistics of average earnings in the building and construction industry, (*b*) to compile statistics on hours actually worked by wage earners in the principal mining and manufacturing industries, including building and construction, and (*c*) to publish all the statistics in question, in accordance with Article 1 of the Convention. The Committee hopes that full information will be supplied in the Government's next report on the effect given to each article of Part II of the Convention.

Part IV. The Committee hopes that the Government will also find it possible to compile and publish the statistics provided for in this Part of the Convention.

Cuba (ratification: 1954). The Committee notes the statement by a Government representative to the Conference Committee in 1965 that, under proposed new legislation, a Department of Statistics would be set up which would publish statistics regularly. It also notes the statement in the Government's latest report that organisational arrangements are still being made with a view to the compilation of the statistics provided for in the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

The Committee recalls that, as early as its report for 1958-60, the Government had referred to legislation establishing a Directorate of Statistics in the Department of Labour and providing for the compilation of statistics of wages and hours of work. According to the Government's report for 1960-62, the Directorate of Statistics and the Central Planning Board had been instructed to obtain and compile the statistics required by the Convention. The Committee trusts that the necessary steps will be taken without further delay to give effect to the Convention.

Czechoslovakia (ratification: 1950). The Committee notes the information supplied by the Government in reply to its observation made in 1964, and would be grateful if the Government would supply further information on the following points:

Article 5, paragraph 3, of the Convention. The Committee once more expresses the hope that the Government will take the necessary measures to compile statistics of hours actually worked, giving separate figures for each of the principal industries, as required by this paragraph.

Article 10, paragraph 2. The Committee notes that, according to the Government's report, statistics of average monthly earnings have been supplemented by certain statistical data by sex in industry and construction. It hopes that the Government will publish these statistics for each of the principal industries, as required by Article 5 of the Convention.

Part III. The Committee notes that statistics of normal time rates of wages are published in certain Ministerial Orders. The Committee hopes that the Government will communicate the texts of these Orders, containing recent statistics of time rates of wages and hours of work compiled for a representative selection of principal mining and manufacturing industries, including building and construction, as required by this Part of the Convention.

Mexico (ratification: 1942). Part II of the Convention. The Committee notes with interest that certain statistics of average earnings and hours actually worked have been published in the Mexican Statistical Yearbook (1965). It observes, however, that these statistics relate only to manufacturing and building industries, and do not cover mining. The Committee hopes that the Government will soon be able to compile and publish these statistics also for the mining industry, as required by Article 5 of the Convention.

With regard to Article 10, paragraph 2, the Committee notes the Government's statement that separate data for sex and for adults and juveniles are not compiled, because minimum wages are equal for these groups when performing equal work. The Committee draws attention to the fact that the publication of minimum-wage rates does not satisfy this provision of the Convention, which relates to statistics of earnings and hours actually worked. The Committee trusts that the Government will publish such statistics with separate data by sex and for adults and juveniles as required by the Convention.

Part III. The Committee notes that, according to the report, statistics of time rates of wages and normal hours of work have not yet been published. The Committee once more urges the Government to take the necessary measures to comply with this Part of the Convention.

Part IV. As the report contains no new information concerning statistics of wages and hours of work in agriculture the Committee hopes once more that the Government will take the necessary measures to compile and publish the statistics in question so as to comply fully with this Part of the Convention.

The Committee trusts that the measures to secure the full implementation of the Convention will be taken in the near future.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with regret the difficulties mentioned in the report for 1961-62 that continue to impede the application of the Convention. It trusts that the Government will spare no effort in adopting without delay the necessary measures to give effect to the Convention, and also that the Government will supply in the next report detailed information on its application.

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: *Algeria, Australia, Austria, Burma, Ceylon, Denmark, Finland, Guatemala, Sweden, Syrian Arab Republic, Tanzania.*

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

A request regarding certain points is being addressed directly to *Malawi*.

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

Sierra Leone (ratification: 1961). The Committee notes with satisfaction that, following its direct request of 1964, section 77 (b) of the Employers and Employed Act was amended by Act No. 37 of 1965 so as to limit liability for breach of contracts of employment to a claim for damages, to the exclusion of any penal sanctions.

Zambia (ratification: 1964). The Committee notes with satisfaction that, following its earlier requests, section 301A of the Penal Code was repealed by Ordinance No. 20 of 1964. The Committee also notes with interest the Government's statement that the new Employment Act (which has recently been passed but has not yet come into force) does not contain provisions corresponding to sections 72 (1), 78 and 80 of the Employment of Natives Ordinance, under which penal sanctions could in certain circumstances be imposed.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cameroon (Western Cameroon), Ghana, Guatemala, Kenya, Malaysia (State of Sarawak), Nigeria, Singapore, Tanzania (Tanganyika), Uganda.*

Convention No. 67: Hours of Work and Rest Periods (Road Transport), 1939

Cuba (ratification: 1953). Following the observations that it has been making since 1958 the Committee regrets to note that the identity card referred to in resolution No. 10 of 20 January 1959 does not correspond to the individual control book provided for by Article 18, paragraph 3, of the Convention, in which particulars of hours of work and rest periods must be entered. The Committee hopes that measures will be adopted in the near future to apply these provisions of the Convention.

In its reply the Government refers to its 1957-58 report, which stated that in practice drivers preferred to accumulate actual hours of work up to 192 hours in order to be able to rest for the remainder of the month. This report referred to

Decree No. 2513 of 19 October 1933, of which section V, second paragraph, permits the calculation of weekly hours of work as an average on the basis of a monthly maximum of 208 hours (or the equivalent of 26 days of eight hours) in undertakings providing public service of such a nature as to call for continuous hours of work of over 48 in a week or a special timetable. According to the Government reply, this provision has since been modified but only in that the working week has been reduced to 44 hours by the Constitution. The Committee requests the Government to state whether this provision therefore still remains in force, and so permits the calculation of weekly hours of work as an average on the basis of a monthly maximum of 192 hours and, if so, what measures are taken under Article 6 of the Convention to limit the maximum number of hours that may be worked in any week and to ensure that drivers shall have the rest provided for by Article 15, paragraph 3, of the Convention in every period of 24 hours and by Article 16, paragraph 2, in every period of seven days.

* * *

In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 68: Food and Catering (Ships' Crews), 1946

Argentina (ratification: 1956). The Committee notes with regret that no legislative provision has yet been adopted, despite the repeated observations of the Committee and the promises of the Government to give effect to this Convention, which was ratified ten years ago.

The Committee trusts that the necessary measures will be taken at an early date.

* * *

In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 69: Certification of Ships' Cooks, 1946

Requests regarding certain points are being addressed directly to the following States: *Algeria, France, Peru*.

Convention No. 71: Seafarers' Pensions, 1946

Requests regarding certain points are being addressed directly to the following States: *Argentina, Bulgaria, Norway, Peru*.

Information supplied by *France* in answer to a direct request has been noted by the Committee.

* * *

Convention No. 73: Medical Examination (Seafarers), 1946

Argentina (ratification: 1955). The Committee, while it notes that the Government is studying the laws or regulations necessary to give effect to the Convention, regrets to observe that no new provision has yet been adopted for the purpose. In these circumstances it can only repeat the observations it has made before in the following terms:

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.

The Committee trusts that the Bills designed to bring the national legislation into harmony with the Convention will be adopted in the near future.¹

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1964-65 has not been received so that there continues to be no 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*.

Information supplied by *Sweden* in answer to a direct request has been noted by the Committee.

Convention No. 74: Certification of Able Seamen, 1946

Portugal (ratification: 1954). Referring to its earlier observation and requests the Committee notes with satisfaction that Decree No. 45969 dated 15 October 1964, issued in pursuance of Legislative Decree No. 45968 of the same date, which governs the exercise of occupations falling within the jurisdiction of the maritime authority, extends to 24 months the minimum period of service at sea required for the issuing of the certificate of qualification in the case of those holding a certificate of the Merchant Navy School (Article 2, paragraph 4 (a), of the Convention).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria*, *Yugoslavia*.

Information supplied by the *Netherlands* in answer to a direct request has been noted by the Committee.

Convention No. 77: Medical Examination of Young Persons (Industry), 1946

Albania (ratification: 1957). The Committee, having noted with regret that the report for 1963-65 has not been received, is bound to refer to its previous request, which was as follows:

Article 6 of the Convention. The Committee finds that the Instructions No. 79 of 4 August 1956, referred to in the report, do not prescribe any measures for vocational guidance and physical rehabilitation of young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations. Please supply full information on the measures taken for that purpose.

The Government indicates that due to "administrative and technical reasons", it has been unable to send the texts of certain laws and regulations mentioned in the Government's report for the 1959-1960 period: Ordinance No. 14 of 6 October 1958 and Act No. 2803 on the State Social Insurance dated 4 December 1958. The Committee urges the Government to supply these texts without further delay.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Argentina (ratification: 1955). The Committee has noted the Government's replies, particularly as regards the work-books issued to minors (Article 7 (1) of Conventions Nos. 77 and 78).

Article 4 of the Convention. The Committee recalls that it has repeatedly requested information on the provisions requiring medical examinations in certain occupations until at least the age of 21 years, as required by Conventions Nos. 77 and 78. As this information has never been supplied, the Committee trusts that the Government will take steps without delay to provide for medical examinations and re-examinations until at least 21 years of age when high health risks are involved, and to specify the occupations or categories of occupations where this shall be required.

France (ratification: 1951). Referring to its various observations the Committee notes with satisfaction that Decree No. 64-972 of 12 September 1964 laying down the manner of applying Ordinance No. 59-46 (1959) gives effect to the provisions of the Convention, in respect of mines, open-cast mines and quarries.

Guatemala (ratification: 1952). The Committee notes the statements of the Government in its report for 1963-65 that regulations to give effect to the provisions of Article 3, paragraphs 2 and 3, Article 4 and Article 5 of the Convention are at present under study. In this connection it recalls the points that it raised in its previous observation.

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 "Workers' Medical Organisation" shall not involve any expense to minors or members of their families.

The Committee, observing that the Convention has been ratified for 14 years, trusts that the Government will take measures as soon as possible to bring the national legislation into full harmony with its provisions.

Hungary (ratification: 1956). The Committee refers to its previous comments and notes with satisfaction Decree No. 4 of 1962 concerning protection of women and minors which contains provisions relating to medical re-examination and methods of supervision of young persons (Articles 3 and 7 of the Convention).

Italy (ratification: 1952). Recalling its previous observations the Committee notes with interest that a Bill designed to bring national law into conformity with the provisions of Conventions Nos. 77, 78, 79 and 90 was placed before Parliament on 15 April 1965. In view of the period over which attention has been drawn to discrepancies between the standards laid down by these Conventions and the legislation which is still in force, the Committee hopes that the new Bill will be adopted in the near future.

Luxembourg (ratification: 1958). The Committee notes the information supplied by the Government, in reply to its 1964 observation, to the effect that important amendments have been made to the Bill on the protection of children and young workers. It trusts that the provisions requiring a medical examination for fitness for employment of children and young persons will be adopted as soon as possible in order to give effect to the various provisions of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Iraq, Israel, Italy, Peru, Uruguay.*

Information supplied by *Haiti* in answer to a direct request has been noted by the Committee.

**Convention No. 78: Medical Examination of Young Persons
(Non-Industrial Occupations), 1946**

Albania (ratification: 1957). The Committee, having noted with regret that the report for 1963-65 has not been received, is bound to refer to its previous request, which was as follows:

Article 1 of the Convention. Please supply a copy of the "Conditions of Employment Regulations" (published in the *Gazeta Zyrtare* of 8 April 1958) referred to in the report, which require every minor under 18 years of age to undergo a medical examination before admission to employment and which could, therefore, be applied to young persons employed on their own account.

Article 7, paragraph 2. What measures have been adopted for ensuring the identification of "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"?

See under Convention No. 77 with regard to the other points.

Argentina (ratification: 1955). See under Convention No. 77.

France (ratification: 1951). The Committee regrets to note that the Government gives no new information on the application of the measures for medical examination of young persons of under 18 employed in domestic service, merely stating that it does not seem possible to extend the scope of the regulations on occupational health to this type of employment. Since the Committee has been raising the question of medical examination of domestic employees of under 18 since 1954, and since the Government stated as long ago as 1958 that it intended to adopt suitable measures, the Committee again expresses the earnest hope that these measures will be adopted as soon as possible.

Guatemala (ratification: 1952). See under Convention No. 77 regarding the application of Articles 3, 4 and 5 of the Convention. The Committee hopes that the forthcoming regulations will also give effect to the provisions of the Convention regarding "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 streets or in places to which the public have access", covered by Article 7, paragraph 2 (a).

Hungary (ratification: 1956). See under Convention No. 77.

Italy (ratification: 1952). See under Convention No. 77.

Luxembourg (ratification: 1958). See under Convention No. 77.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Bulgaria, Cuba, Iraq, Israel, Italy, Peru, Uruguay.*

Information supplied by *Haiti* in answer to a direct request has been noted by the Committee.

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946

Argentina (ratification: 1955) Further to its previous observations in which it had drawn attention to the discrepancy existing between the Employment of Women and Young Persons Act (No. 11317) of 30 September 1924 and the Convention, the Committee notes the provisions of a draft resolution appended to the Government's report. Under this draft, the services of the Ministry of Labour and Social Security responsible for approving work schedules for young persons are required to withhold their approval unless the period between the end of one working day and the beginning of the next is at least 12 consecutive hours in the case of young persons over 14 but under 18 years and 14 consecutive hours in the case of children under 14 years (Articles 2 and 3 of the Convention).

In connection with the information repeatedly requested on the effect given to Article 5 of the Convention, the Committee regrets to note that the Government again fails to indicate what arrangements have been made for the granting of individual licences in the case of employment in public entertainment at night of young persons under 17 years of age.

The Committee trusts that the Government will do all in its power to ensure full and early compliance with Articles 2, 3 and 5 of the Convention.

Dominican Republic (ratification: 1953). Further to its observations the Committee notes with regret that the Government has failed to supply a report for the period 1963-65. It notes, however, from the statement made to the Conference Committee in 1964 that the Government will as soon as conditions permit take the necessary measures to bring national legislation into conformity with the Convention.

The Committee trusts that the Government will make every effort to eliminate the serious discrepancy between section 224 of the Labour Code, as amended by section 2 of Act No. 5475 of 20 January 1961, which prohibits night work only for young persons under 16 years and Article 3, paragraph 1, of the Convention which prohibits such work for young persons under 18 years of age.

Israel (ratification: 1953). Further to its previous observation the Committee notes with interest from the report that the Government intends to bring section 25 (e) of the Youth Labour (Amendment) Law of 1963 authorising the Minister of Labour to permit young persons to be employed on shift work until midnight into conformity with the Convention. The Committee hopes that the next report will indicate the measures taken to this effect.

Italy (ratification: 1952). See under Convention No. 77.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Dominican Republic, Italy, Luxembourg, Peru, Uruguay*.

Information supplied by *Byelorussia, Cuba, Israel, U.S.S.R.* in answer to direct requests has been noted by the Committee.

Convention No. 81: Labour Inspection, 1947

Argentina (ratification: 1955). A Government delegate to the Conference Committee stated in 1965, in reply to the observation made that year, that information

would shortly be sent concerning the arrangements for the training of labour inspectors (Article 7 of the Convention) and the annual report required by Articles 20 and 21 of the Convention. The Committee notes with regret that this information is still not to hand.

As regards the other points in the observation, in respect of which no information has been given either in the above-mentioned statement or in the Government's report, the Committee feels bound to repeat them below:

Article 12. The Committee notes with regret that action has not been taken . . . 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 . . . 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.

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 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 feels bound to observe once again that the Convention appears to be applied only to a limited extent in Argentina, and requests the Government to take the necessary steps to comply with its obligations in respect of this fundamental instrument.¹

Austria (ratification: 1949). The Committee takes note of the information furnished in reply to its 1964 observation. It notes that once again the Congress of Austrian Chambers of Labour expresses the opinion that the services responsible for labour inspection under the Mines Administration should be clearly separate from the other services.

The Mines Administration replies that, on the one hand, it is not contrary to the Convention that the officials responsible for inspection should also have other duties, provided that the latter do not interfere with the effective discharge of their primary duties and that, on the other hand, questions relating to the protection of the workers are in any case entrusted to separate services, which are only requested to deal with these matters in the second instance.

In this connection the Committee notes that it is stated in the Government report that the Mines Inspectorate comprises 213 persons with the rank of head of undertaking or deputy head of undertaking, and 2,352 supervisors.

In view of the foregoing, the Committee would be grateful if the Government would specify the character of the "separate services" mentioned above, and indicate the numbers of their staffs and the extent to which these services are responsible for supervising the application of the laws and regulations relating to conditions of work and the protection of workers while engaged in their work (Article 3, paragraph 1 (a), of the Convention). Since, on the other hand, these services only deal with such matters in the second instance, please also indicate the nature and structure of the bodies entrusted with these matters in the first instance.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Belgium (ratification: 1957). The Committee notes that the Government, in reply to its previous observations, states that the Bill on labour inspection lapsed on the dissolution of the Parliament. Since the Bill was to give full effect to essential provisions of the Convention, including Articles 12, 13 and 15, the Committee trusts that new legislation to the same effect will shortly be submitted to Parliament and hopes that this legislation will be adopted without delay.

Brazil (ratification: 1957). The Committee notes that a representation concerning the application of certain provisions of the Convention has been made under article 24 of the Constitution of the International Labour Organisation by the Association of Federal Servants of the State of São Paulo, and that the Governing Body at its 163rd Session (Geneva, November 1965) decided to consider the action to be taken on this representation in accordance with the established procedure.

In these circumstances the Committee has decided to adjourn consideration of the application of the Convention in Brazil until a decision has been reached on this representation.

Cuba (ratification: 1959). The Committee notes that the 1963-65 report does not reply to the questions raised in its previous observations and that the Government makes no further reference to the labour inspection regulations that, according to previous statements, were being prepared with a view to giving full effect to the Convention. In these circumstances the Committee once more urges the Government to take the necessary steps without further delay to give effect to the following Articles of the Convention:

Article 3, paragraph 1 (*b*) and (*c*), and paragraph 2. 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 or that they shall bring to the notice of the competent authority defects or abuses not covered by existing legal provisions. Moreover, the Government reports do not indicate what further duties 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 be such as to guarantee their "stability of employment" and to 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 in each subparagraph, the measures contemplated to give effect to each of the provisions of this Article.

Article 15 (*c*). The Committee draws the attention of the Government to the advisability of providing in the above-mentioned regulations that the inspectors 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.

Articles 20 and 21. Since no general report on the work of the inspection service has so far been published, the Committee urges that such a report should be published

each year and communicated to the International Labour Office within the periods laid down in Article 20 and that it should contain all the information required in Article 21 of the Convention.¹

Greece (ratification: 1955). Following its previous observations the Committee notes with satisfaction the report of the Ministry of Labour on the activities of the labour inspection services for 1964 (Articles 20 and 21 of the Convention).

The Committee also notes, from the reply communicated in 1964 to its observation of that year, that the Labour Code that is in course of preparation will contain a provision to give effect to Article 13 of the Convention. It hopes that this provision will soon be adopted.

The Committee further notes the information supplied in 1964 relating to the practical scope of section 10 of Legislative Decree No. 2954 of 1954 and it considers that this provision is not enough to give effect to Article 12, paragraph 1 (c) (i) and (iv), of the Convention. The Committee therefore hopes that Legislative Decree No. 2954 of 1954 concerning the organisation of a labour inspection service can be supplemented in order to provide expressly that labour inspectors shall have the right:

- to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking (Article 12, paragraph 1 (c) (i));
- to take, for purposes of analysis, samples of materials and substances used in the undertaking (Article 12, paragraph 1 (c) (iv)).

Guatemala (ratification: 1952). The Committee notes that the Government, in reply to its 1965 observation, states that the Ministry of Labour and Social Welfare has taken steps with a view to the preparation of legislation to give effect, *inter alia*, to Articles 14, 20 and 21 of the Convention.

Since the Committee has been raising these matters in its observations since 1957, it can only express once more the hope that the necessary legislation will be adopted in the near future.¹

Guinea (ratification: 1959). The Committee regrets to observe that the report for 1962-64 does not reply to the direct requests of 1962 and 1964, which were reproduced in the observation of 1965. It must therefore repeat this observation, which was worded 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

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

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 it relates) 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).

The Committee hopes that the Government will not fail to take the necessary measures and supply the information referred to above.¹

Haiti (ratification : 1952). The report for 1963-65 not having replied to the observation made in 1965, the Committee must repeat its observation, which was as follows :

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.

Iraq (ratification : 1951). Articles 20 and 21 of the Convention. The Committee takes note of the statistics relating to the work of the inspection services in 1964. It observes that there is no information on the staff of the inspection service (Article 21 (b)) and that statistics of industrial accidents and occupational diseases are not provided separately. Furthermore, it would be grateful if the Government would state whether a report of the inspection services is published and, if so, communicate a copy to the International Labour Office in the language of publication.

Israel (ratification : 1955). Articles 20 and 21 of the Convention. The Committee takes note of the annual report on the work of the labour inspection services for 1961 and 1962, which does not, however, appear to contain statistics of occupational diseases (Article 21 (g)).

Furthermore, the Committee recalls that, under Article 20 of the Convention, the annual report on the work of the inspection services must be published within the 12 months following the year to which it relates and communicated to the International Labour Office within three months of publication. The Committee hopes that the 1963 report will soon reach the I.L.O. and that subsequent reports will be communicated within the prescribed periods.

Nigeria (ratification : 1960). Referring to its previous comments and the Government statement to the Conference Committee in 1964, the Committee notes with regret that the revision of the Labour Code, which was announced some years ago

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

and which was to include provisions giving full effect to Article 12, paragraph 1 (c) (iv), and Article 15 of the Convention, has not yet been carried out. The Committee trusts that the amendments under consideration will soon be adopted.

The Committee also notes with regret that the last annual general report on the work of the labour inspection services received by the I.L.O. relates to the period 1959-60, although the Government stated in 1963 that the later reports were being printed. The Committee hopes that these reports have since been published and that the Government will communicate copies in the very near future.

Pakistan (ratification: 1963). Referring to its previous observations the Committee takes note with satisfaction of the East Pakistan Factories Act dated 5 August 1965, which gives fuller effect to Articles 12, 13, 14 and 15 of the Convention.

It hopes that similar progress may be made in the same province with a view to the amendment of the 1923 Mines Act, which has also been mentioned in observations.

With regard to West Pakistan, the Committee notes with interest from the Government report that new provincial legislation is also to replace the Factories Act, 1934, and the Mines Act, 1923, and that the new laws are expected to remove the divergencies from the Convention.

Articles 20 and 21 of the Convention. The Committee takes note of the list attached to the Government report with a full enumeration of the reports on the labour inspection service that have been published in the Pakistan Labour Gazette. It observes that most of the recently published reports (1962, 1963, 1964) have not been received by the International Labour Office and that reports relating to the application of certain acts have not been published in recent years: Payment of Wages Act, 1936—last report 1959-60; Sind Maternity Benefit Act, 1929—last report 1960; Trade Union Act, 1926—last report 1961; Annual Report of the Chief Inspector of Mines—last report 1961.

The Committee recalls that under Articles 20 and 21 of the Convention, annual reports on the work of the labour inspection services must be published within 12 months of the end of the year to which they relate and transmitted to the Office within three months of publication. It hopes that measures will be taken so that in future these reports will be published and transmitted regularly within the prescribed periods.

Panama (ratification: 1958). The Committee notes with regret that the report for 1963-65 has not been received. The Committee therefore must repeat its previous observation, which was as follows:

Article 6 of the Convention. The Government states that all inspectors in office on 1 January 1961 have been dismissed and that all those now in office were appointed recently and that, moreover, by a recent decision the post of Inspector General of Labour does not belong to the professional administrative service. The report adds that the current government programme is aimed at integrating the inspection staff with the public service.

Since, under the Convention, the inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government, the Committee trusts that the Government will adopt the necessary measures as soon as possible to ensure to the inspection staff the conditions of employment provided for by this Article of the Convention.

Articles 20 and 21. The Committee notes that no annual report on the work of the labour inspection services appears to have been published to date. It hopes that the Government will take steps so that a general report on the work of the inspection services may in future be published every year and transmitted to the Office within the periods laid down in Article 20 and that it will contain all the information required by subparagraphs (a) to (g) of Article 21.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Sierra Leone (ratification: 1961). The Committee notes, from the information furnished in reply to its 1964 observation, that the Government reaffirms its intention of taking steps as soon as possible to give full effect to the Convention. The Committee must therefore once more call attention to the following points:

Article 12, paragraph 1, of the Convention. Provisions should shortly be adopted to appoint inspectors responsible for the application of the Employers and Employed Act, holding all the powers provided for by the present Article. Provisions should also be adopted to amend the legislation in force so that all inspectors shall be authorised to take samples of materials and substances used in the undertaking (paragraph 1 (c) (i) and (iv)).

Article 15 (c). A provision applying to all inspectors should be incorporated in the legislation in order to provide that they shall treat as absolutely confidential the source of any complaint and shall give no information to the employer that a visit of inspection has been made in consequence of the receipt of such a complaint.

Articles 20 and 21. The last inspection report received in the International Labour Office deals with the year 1961. As the Committee has already pointed out in its previous observation, this report has certain gaps (for example, the statistics cover only undertakings employing more than six wage earners and the inspection visits relate only to the application of the legislation on wages, etc.). The Committee trusts that in future reports will be published and communicated to the Office within the prescribed periods and that they will contain all the information required.

Syrian Arab Republic (ratification: 1960). Following its 1964 request the Committee takes note with satisfaction of Order No. 465 of 4 July 1965 to promulgate the Labour Inspection Regulations, which have been adopted to ensure the application of the Convention. It notes in particular that section 20 (g) of these Regulations provides for the preparation of an annual report on the work of the labour inspection services, in accordance with the Convention.

Tanzania (Tanganyika) (ratification: 1962). The Committee notes with satisfaction that, following its previous direct requests, the 1964 Act to amend the Mining Ordinance has introduced a new provision for inspectors to take samples of materials and substances (Article 12, paragraph 1 (c) (iv), of the Convention).

Turkey (ratification: 1951). Articles 20 and 21 of the Convention. The Committee notes from the Government reply to its earlier observations that the annual reports of the labour inspection services, which were not published from 1960 to 1964, will be published as from March 1966. As the Government stated in 1963 that the overdue reports were shortly to be published, the Committee can only express once more the hope that the Government will do all in its power to fulfil this essential obligation deriving from the Convention.

Uganda (ratification: 1963). Article 12, paragraph 1 (c) (i), of the Convention. Referring to its previous requests the Committee notes with satisfaction that section 69 (1) (f) of the Factories Ordinance was amended in 1963 to give the inspectors all the powers of interrogation prescribed by the Convention. It hopes that it will be possible to introduce a similar amendment into the Employment Ordinance, as the Government contemplated doing in 1960.

Article 14. The Government does not consider it necessary at the present stage to require the notification of occupational diseases, which are uncommon. Since this Article of the Convention covers both industrial accidents and occupational diseases, the Committee hopes that the Workmen's Compensation Ordinance may be amended

on a suitable occasion with a view to making the notification of occupational diseases compulsory.

Article 15 (c). The Committee notes that the Bill for an Act to replace the Employment Ordinance is to give effect to this provision of the Convention.

Articles 20 and 21. The Government states that the annual reports of the Labour Department are no longer published. Since under these Articles of the Convention a general report on the work of the labour inspection services must be published each year and communicated to the International Labour Office, the Committee trusts that it will in future be possible to issue a suitable publication containing the information prescribed by Article 21 of the Convention.

United Arab Republic (ratification: 1956). The Committee notes that the Government replies very incompletely to the points raised in its previous requests and observations. It therefore hopes that the necessary measures may be adopted with regard to the following provisions of the Convention:

Article 6 of the Convention. Please communicate copies of Act No. 210 of 1951 concerning the status of civil servants and Act No. 46 of 1964 concerning the Regulations governing persons employed by the State.

Article 12, paragraph 1 (a) and (b). Please communicate a copy of Order No. 27 of 1961 referred to in the Government report as ensuring the proper functioning of labour inspection by night and outside working hours.

Article 12, paragraph 1 (c) (i) and (iv). Please indicate the measures existing or contemplated to give the inspectors specific powers "to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking" and "to take samples of materials and substances".

Article 12, paragraph 2. Please indicate the provisions authorising the inspector to refrain from notifying the employer of his presence if he considers that such a notification may be prejudicial to the performance of his duties.

Article 15 (a) and (c). Please indicate the measures contemplated to provide expressly that labour inspectors shall be prohibited from having any direct or indirect interest in the undertakings under their supervision (clause (a)) and shall treat as confidential the source of any complaint and give no intimation to the employer that a visit of inspection was made in consequence of a complaint (clause (c)).

Articles 20 and 21. The Committee notes that none of the annual general reports on the work of the labour inspection services mentioned in the government reply has so far been received by the International Labour Office. It therefore insists once again on the obligation of the Government to communicate regularly to the Office within the prescribed periods the annual reports published by the Ministry of Labour.

United Kingdom (ratification: 1949). The Committee takes note of the Offices, Shops and Railway Premises Act of 31 July 1963, which came into force on 1 August 1964 and is applicable to Great Britain. It notes with interest the intention of the Government of accepting Part II of the Convention when similar legislation is in force in Northern Ireland.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Belgium, Bulgaria, Cameroon (Western Cameroon), Central African Republic, Ceylon, China, Cuba, Cyprus, Dominican Republic, Finland,*

Ghana, Guatemala, Iraq, Italy, Jamaica, Kenya, Luxembourg, Malawi, Malaysia (States of Malaya, State of Sabah, State of Sarawak), Mali, Mauritania, Morocco, Pakistan, Peru, Portugal, Senegal, Singapore, Spain, Syrian Arab Republic, Tanzania (Tanganyika), Tunisia, Turkey, United Arab Republic.

Information supplied by *Costa Rica* and *Malta* in answer to direct requests has been noted by the Committee.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

*Ivory Coast.*¹ Referring to its previous requests the Committee notes with satisfaction that section 128 of the 1964 Labour Code incorporates the provisions of Article 4 of the Convention, which relates to the powers of inspectors.

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 a number of socialist countries. He expressed the opinion 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. This statement was supported by another member of the Committee, Professor Lunz, who added that the appropriate approach would show the great positive role of the trade unions in many spheres of social life of the said countries, backed by their respective legislation, and the compatibility of the latter with the principles of Convention No. 87.

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, in performing its functions in connection with Convention No. 87, applied the same criteria as in the case of all other Conventions.

Albania (ratification: 1957). The Committee regrets to note that the report for 1964-65 has not been received. The Committee therefore has no fresh information which might alter the conclusions reached in previous years, i.e. that in the legislation of Albania provisions exist which are, or are liable to be, contrary to the rights and guarantees laid down in the Convention. In this respect the Committee has made various comments and observations, in particular concerning 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 organisations.

¹ This country undertook to continue to apply Convention No. 85, pending ratification of Convention No. 81.

The Committee can only refer, therefore, to its previous comments and observations and express the hope that the Government will adopt all necessary measures to bring the legislation into conformity with the Convention.

The Committee recalls that in a direct request made in 1963 and repeated in 1965 it requested the Government to indicate whether rules exist applicable to cases where the higher authority which registers collective agreements and the central committee of the trade union concerned, which must settle any disputes which arise on the occasion of the conclusion of collective agreements (section 48 of the Labour Code), do not reach agreement.

The Committee is prepared to consider these problems further when the legislation has been amended or fresh information has been supplied. Meanwhile, the Committee requests the Government to keep it informed of any development in this matter.¹

Bulgaria (ratification: 1959). The Committee notes that in its last report the Government referred to the possibility that the provisions relating to trade unions might be amplified in the Labour Code and at the next Trade Union Congress, which will take place in 1966.

The Committee would be grateful if the Government would indicate in its next report any change made in this matter, and supply the information requested in 1964 and in 1965, to which no reference has been made in the last report. These outstanding questions are again the subject of a direct request.¹

Burma (ratification: 1955). The Committee notes the statement made by a Government representative before the Conference Committee in 1965 from which it appeared that the following texts give effect to this Convention: the Law defining the fundamental rights and responsibilities of the workers, regulations regarding the establishment of the people's workers' councils, and trade union rules.

The Committee recalls that in its previous observations and direct requests it pointed out the discrepancies which existed between the Trade Unions Act and the provisions of the Convention. Section 4 of this Act provides that a trade union may not be registered unless the number of its members exceeds 50 per cent. of the total number of workers in the undertaking; section 6 (*h*) provides that trade union officers cannot be active members of a political party; section 22 lays down that all trade union officers must be employed in the undertaking represented by the trade union, and section 24 lays down excessively strict conditions, which are not in conformity with the Convention, for the amalgamation of trade unions. The Committee also notes that in its report forwarded in May 1965 the Government states that under section 12 of the Law concerning regulations regarding the establishment of the people's workers' councils, the Trade Unions Act forms part of the regulations, in as much as its provisions are compatible with the object and the spirit of the Law previously mentioned. The Committee also notes that subsequently a Government representative stated before the Conference Committee in 1965 that present restrictions concerning the exercise of trade union rights would be removed.

In these circumstances the Committee would be grateful if the Government would indicate (*a*) what provisions of the Trade Unions Act are still in force and the precise extent to which and the method by which any of its provisions may have been revoked; and (*b*) what measures are envisaged in order to bring the provisions of sections 4, 6 (*h*), 22 and 24 of the Trade Unions Act—which it would appear from the Government representative's statement continue to be in force—into conformity with the provisions of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1966.

The Committee would also be grateful if the Government would specify all laws and regulations relating to the subject matter of the Convention and forward copies thereof if this has not already been done.¹

Byelorussia (ratification: 1956). The Committee notes that the Government's last report does not contain any new information.

The Committee remains prepared to consider the 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.²

Cuba (ratification: 1952). The Committee notes that in reply to a question put to him in the Conference Committee in 1965, relating to a Bill which would deal with the exceptions to the right to establish and join trade union organisations provided for in section 17 of Law No. 962 of 1961, with a view to extending the scope of this Law, a Government representative stated that the Bill was still under consideration.

The Committee trusts that the Bill in question will grant to all workers who are still excluded, under section 17 of the said Law, the right to establish and join organisations in accordance with Article 2 of the Convention, which provides that "workers and employers, without distinction whatsoever" shall have the right to organise.

The Committee notes that, regarding the other questions raised in its previous observation, the last report sent by the Government does not contain any new element which might alter the conclusions which it reached in previous years, namely that various provisions in the legislation, which were recapitulated in 1965 are, or are liable to be, contrary to the rights and guarantees provided in the Convention.

The Committee is prepared to consider these problems further when the legislation has been amended or when new information has been communicated to it. Meanwhile, the Committee requests the Government to keep it informed of any developments in the matter.²

Dominican Republic (ratification: 1956). The Committee takes note of the report for 1963-64, which arrived too late in 1965 for examination that year. The Committee has pointed out since 1961 the discrepancies between, on the one hand, the provisions of section 265 of the Labour Code and section 67 of Regulation No. 7676, according to which the Labour Code (including its provisions on the right to organise) is not applicable to agricultural undertakings, agricultural undertakings of an industrial type, or stock-raising or forestry undertakings, that do not continuously and permanently employ more than ten persons and, on the other hand, the provisions of Article 2 of the Convention, which prescribe that workers "without distinction whatsoever, shall have the right to establish and . . . to join organisations of their own choosing without previous authorisation".

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1964 that a committee of legal experts has been established to undertake the necessary studies with a view to amending section 265 of the Labour Code and section 67 of Regulation No. 7676.

The Committee notes the Government's statement in its latest report that, although it is true that, under the provisions referred to of the Labour Code and Regulation No. 7676, the provisions of the Labour Code relating to the formation of trade unions do not apply to undertakings that continuously employ fewer than

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

² The Government is asked to report in detail for the period ending 30 June 1966.

ten workers, the problem has been avoided in practice through the application of the provisions of section 296 of the Labour Code, which allows workers to form unions by virtue of their employment or occupation, irrespective of the undertaking in which they work. The report makes no reference to any work carried out by the committee of legal experts referred to above,

Although it may be possible to interpret section 296 of the Labour Code so as to grant implicitly in practice the right to organise to workers in agricultural undertakings, agricultural undertakings of an industrial type, and stock-raising and forestry undertakings, that do not employ continuously or permanently more than ten workers, the Committee considers that since these classes of workers are expressly excluded from the Labour Code by its section 265 and by section 67 of Regulation No. 7676, these sections must be amended to ensure the conformity of the legislation with the provisions of the Convention.

The Committee would be grateful if the Government would state whether the committee of legal experts established to undertake the necessary studies with a view to amending section 265 of the Labour Code and section 67 of Regulation No. 7676 has carried on its work, and if the Government would report on the committee's findings. The Committee trusts that the Government will in any case take the necessary steps to bring the above-mentioned provisions of its legislation into conformity with those of the Convention. The Committee would also be grateful if the Government would reply in its next report to a series of questions that are once more the subject of a direct request.

Greece (ratification: 1962). The Committee notes the information supplied by the Government in its first report on the application of this Convention. As the Fact-Finding and Conciliation Commission on Freedom of Association is dealing with a case relating to Greek trade union legislation, the Committee considers it desirable to await the findings of this Commission before reaching any conclusions regarding the application of the Convention in Greece.

Honduras (ratification: 1956). The Committee notes with regret that the report for 1964-65 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. 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 conformity with the provisions of the Convention. It trusts furthermore that the Government will furnish the information for which it is again asking in a direct request.

Hungary (ratification: 1957). The Committee notes the information supplied by the Government in its last report in reply to a direct request, and the supply of certain texts which had been requested.

Regarding its previous observation the Committee, in the absence of any new element which might change the conclusions reached by it in previous years, can only refer to these conclusions, 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. Meanwhile, the Committee again requests the Government to keep it fully informed of any development in this matter.

The Committee also requests the Government to forward, with its next report, the texts for which it is asking in a direct request.¹

Liberia (ratification: 1962). The Committee notes, from the Government's reply to its previous direct requests, that the Government now agrees that the Association Law, to which reference had been made in the previous report as governing the establishment and dissolution of employers' and workers' organisations, does not apply in any manner to organisations within the scope of this Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1966.

The Committee notes with interest that during the legislative session 1962-63 an Act was passed to insert a new Part in the Labour Practices Law concerning labour organisations. It observes, however, that, according to the Handbook of Labour Law, published by the Bureau of Labour of the Department of Commerce and Industry in January 1965 (a copy of which was appended to the Government's latest report), this Act had not yet become law, since its publication in the form necessary to bring it into effect had not taken place. The Committee hopes that measures to bring this Act into force will be taken at an early date, and that the Government will supply a copy of the notice, decision or other publication by which this has been effected.

Certain points arising out of the above-mentioned Act are being dealt with in a direct request, which the Committee is addressing to the Government.

Mexico (ratification: 1950). The Committee takes note of the latest report of the Government, which contains no new information to alter its previous observation pointing out that the Federal Law for Workers in the Service of the State contains a series of provisions that are contrary to the Convention.

The Committee trusts that the Government will examine the situation again in order to bring the legislation into conformity with the provisions of the Convention.

The Committee also notes that the Government in its next report will supply information on the legal situation of public officials working in the states of Coahuila and Puebla.¹

Pakistan (ratification: 1951). The Committee notes that, with reference to its previous observation concerning the Notification of 30 August 1948, which provides—contrary to Article 2 of the Convention—that different organisations shall be set up for each category of civil servants, a Government representative stated before the Conference Committee in 1965 that the competent government service had decided that the legislation should be modified so as to eliminate the discrepancy. The Committee also notes that in its last report the Government repeats that the Notification of 30 August 1948 will shortly be modified so as to bring into conformity with the Convention the existing rules relating to the recognition of associations of civil servants.

The Committee trusts that the Government will be in a position to communicate information regarding the measures which have been taken in this matter. The Committee would also be grateful if the Government would ensure that the information on other matters, which is asked for in a direct request, is supplied in its next report.

Philippines (ratification: 1953). The Committee notes the statement made by a Government representative before the Conference Committee in 1965, regretting that there was no progress to report in regard to the adoption of the Bill required to bring the legislation into conformity with the Convention, and indicating that Bills which had not been adopted could again be submitted to Congress in 1966, and that it was hoped that progress could be reported that year.

The Committee also notes the Government's statement in its last report that the Bill in question is still pending.

The Committee recalls, as has been done in the Conference Committee for a number of years, that various Bills have been mentioned by the Government over a considerable period of time, without leading to any results.

The Committee hopes that the early adoption of legislation will bring section 23 (b) of Law No. 875, of 17 June 1953, into conformity with the Convention. This provision of the Law has been the subject of several previous observations since

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

it makes the acquisition of legal personality by a trade union subject to conditions related to the political opinion of its officers.¹

Poland (ratification: 1957). The Committee notes the Government's statement in its report that during the past reporting period no amendment has been made to the legislation with respect to the matters dealt with 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 indicated in 1964 and 1965 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 the matter.

The Committee regrets that the Government has not answered the direct requests made by it on several occasions for further information on the legislation applicable to meetings which might be held for the purpose of establishing a trade union and on the legislation or other provisions applicable to associations set up by directors of undertakings and non-wage earning workers in order to further and defend their occupational interests.²

Senegal (ratification: 1960). In its previous observation the Committee expressed the hope that the Government would discontinue the practice of dissolving trade union organisations by administrative authority on the basis of paragraph 2 of article 9 of the Constitution of 25 August 1960. The Committee has taken note of the statement made by a Government representative before the Conference Committee in 1965 that the question of the dissolution of trade unions by administrative means only arose a few years ago, out of exceptional circumstances of a political nature, that legally the dissolution of trade unions cannot take place except by judicial process and that there will be no more cases of dissolution of trade unions. The Committee also notes that in its last report the Government has stated that since 1960 trade union organisations have enjoyed total liberty, whatever their politics might be, and that the same policy would apply in future, always provided that public order does not appear to be threatened.

The Committee trusts that the Government will not fail to continue fully to observe in practice the provisions of Article 4 of the Convention and asks it to indicate in its future reports any case of dissolution of a trade union with full reference to the circumstances.

Ukraine (ratification: 1956). The Committee notes that the last report does not supply the information requested in the observation made in 1965. It hopes that the Government will furnish this information in its next report.

In the meantime the Committee remains prepared to consider the 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.²

U.S.S.R. (ratification: 1956). The Committee notes with regret that no report for 1964-65 has been received. It hopes that the Government will furnish in its next report the information requested in the observation of 1965.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

² The Government is asked to report in detail for the period ending 30 June 1966.

In the meantime the Committee remains prepared to consider the 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

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Burma, Costa Rica, Dominican Republic, Ethiopia, Honduras, Hungary, Liberia, Mexico, Pakistan, Philippines, Trinidad and Tobago, Ukraine, U.S.S.R., Upper Volta, Yugoslavia.*

Information supplied by *Mali* in answer to a direct request has been noted by the Committee.

Convention No. 88: Employment Service, 1948

Argentina (ratification: 1956). Further to its previous observations and requests the Committee notes from a memorandum submitted by the Government to the I.L.O. in March 1965 that no effect has been given to Articles 3 to 11 of the Convention, and that the dissolution (in 1962) of the former National Employment Service Directorate and the transfer of its functions to other Directorates of the Ministry of Labour and Social Security have rendered the application of the Convention more difficult. The Committee also notes that the report for 1963-65 does not indicate any progress in giving effect to the provisions of the Convention.

In these circumstances the Committee can only express its regret that ten years after its ratification very limited effect seems to be given to the Convention. The Committee urges the Government to take all necessary measures at an early date with a view to ensuring the full application of the Convention.²

Australia (ratification: 1949). Further to its previous observations the Committee regrets to note once again that no progress has been made in re-establishing a national advisory committee of employers' and workers' representatives along the lines of Articles 4 and 5 of the Convention. In these circumstances the Committee must express the urgent hope that the parties concerned will be able to reach agreement on this matter, so as to give effect to the above Articles of the Convention, which was ratified more than 15 years ago.

Brazil (ratification: 1957). Following its previous observations the Committee notes with interest from the report that Act No. 4589 of 11 December 1964 provides for the establishment, within the Ministry of Labour and Social Welfare, of the National Employment and Wages Department, which is empowered, *inter alia*, to co-ordinate and regulate the employment services. The Committee hopes that the next report will provide detailed information on the measures taken to create a system of employment offices, in accordance with the provisions of the Convention.

Dominican Republic (ratification: 1953). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes from the Government's report that, as action for the reorganisation of the employment service was not initiated until 1962, the advisory committees required by Articles 4 and 5 of the Convention (including the National Advisory Committee on Employment provided for by Decree No. 5740 of 5 May 1960) have not yet been set up.

The Committee trusts that, as indicated in the Government's report, these advisory committees will be established in the very near future.

¹ The Government is asked to report in detail for the period ending 30 June 1966.

² The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Guatemala (ratification: 1952). In its reply to the previous observations the Government states that the budgetary proposals for the new financial year provide for the setting up of at least two local employment offices. The Committee takes due note of this proposed step towards the establishment of a network of offices, sufficient in number to serve each geographical area of the country (Article 3 of the Convention). It trusts that progress can also be made in establishing the advisory committees (Article 4) and in the training of the employment service staff (Article 9) to which the Committee has been referring for a number of years.¹

Iraq (ratification: 1951). Articles 1 to 3 of the Convention. In reply to the Committee's previous observations, a Government representative informed the Conference Committee in 1964 that the Government had decided to establish a network of employment offices and that the necessary financial provisions to this end were to be included in the next budget. As the report, however, contains no further information on this matter the Committee must conclude that there is still only one employment office in the country (in Baghdad). The Committee is bound therefore to revert to its observations of 1962 and 1964 in which it had called for the early establishment of a "national system of employment offices", comprising a "network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers", as required by Articles 1, 2 and 3 of the Convention.

Articles 4 and 5. The Government representative had also indicated in 1964 that a central employment council including employers' and workers' representatives had been set up. As the report, however, contains no further information in this respect, the Committee must ask the Government to supply particulars of the actual composition of this council, and of the steps taken by this council along the lines of Articles 4 and 5 of the Convention. Has any progress been made in establishing local advisory committees (local employment committees) in accordance with section 87 of the Labour Code of 1958?

Articles 6 to 8. Already in 1961 the Government had indicated its intention to organise the work of the employment offices in order to meet the requirements of these Articles of the Convention, particularly with a view to assisting applicants, where appropriate, to obtain vocational guidance or vocational training, and providing adequately for the needs of particular categories of applicants for employment, such as disabled persons. No further information has been given on these points in the Government's report.

The Committee urges the Government to do all in its power to give effect in the near future to the various provisions of the Convention.¹

Italy (ratification: 1952). Further to its observations made since 1955 the Committee notes from the report that the studies, initiated with a view to amending the legislation on placement, within the framework of which account will be taken of the principle of equal representation of employers and workers in advisory committees, are still under way. The Committee trusts that these studies will soon be completed and that appropriate legislative measures will be taken as a result so as to ensure equal representation of employers and workers in the joint advisory committees, in accordance with Articles 4 and 5 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Philippines (ratification: 1953). In reply to the Committee's repeated observations the Government had reported in 1963 that ten regional public employment offices were to be set up during the fiscal year 1963-64, in addition to the one existing in Manila. As the report for 1963-65 indicates no progress in this respect the Committee must conclude, with regret, that the employment service functioning in the Philippines still consists of only one full-scale employment office and that no effect has yet been given to the requirements of Articles 2 and 3 of the Convention, which prescribe the creation of a system of employment offices "sufficient in number to serve each geographical area of the country and conveniently located for employers and workers".

In these circumstances the Committee can only urge the Government once again to take in the near future all necessary steps with a view to setting up an adequate network of employment offices which would be able to perform the functions laid down in Article 6 of the Convention.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Belgium, Brazil, Costa Rica, Cuba, Ethiopia, Ghana, Greece, India, Israel, Kenya, Libya, Malta, Nigeria, Peru, Singapore, Spain, Syrian Arab Republic, United Arab Republic.*

Information supplied by *Sierra Leone* and *Tanzania (Tanganyika)* in answer to direct requests has been noted by the Committee.

Convention No. 89: Night Work (Women) (Revised), 1948

Algeria (ratification: 1962). 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.

Austria (ratification: 1950). Further to the observations made for a number of years, the Committee notes from the information supplied by the Government in the Conference Committee in 1965 and in the report that, despite its recent efforts to eliminate the legal discrepancies between the national legislation and the terms of the Convention, these efforts have been unsuccessful because of difficulties in reconciling the various interests involved, particularly as the employers' and workers' representatives concerned consider this question to be linked with the general problem of revising the legislation governing hours of work.

The report adds that the Austrian Chamber of Workers and the Austrian Trade Union Federation have renewed their urgent appeals that legislation be brought into formal compliance with the Convention without further delay.

In these circumstances the Committee can only reiterate the hope that the legislation will be revised in the near future so as to take account of the following points raised in a previous observation:

- (i) the Hours of Work Code of 1938 does not prohibit the employment of female salaried employees by night for an interval of at least seven consecutive hours in accordance with Article 2 of the Convention;

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

- (ii) the legislation does not provide for the previous consultation of employers' and workers' organisations in the case of an interval beginning after 11 p.m. nor in the case of exceptions in the national interest (Article 2 and Article 5 respectively);
- (iii) exceptions to the interval prescribed by national law (8 p.m. to 6 a.m.) which are allowed by section 20, subsection 1, of the Code "for technical and general economic reasons" are not authorised by Article 4 (b) of the Convention which apply only to the prevention of loss of materials subject to rapid deterioration.¹

Czechoslovakia (ratification: 1950). Following its previous observations the Committee notes with satisfaction the promulgation of the Labour Code of 16 June 1965, which prescribes a nightly rest period of at least 11 consecutive hours for women employed in industrial undertakings, as laid down in Article 2 of the Convention.

France (ratification: 1953). 1. In its previous requests the Committee had drawn attention to section 22 (a) of Book II of the Labour Code which authorises suspensions of the night-work prohibition going beyond those envisaged in Article 5 of the Convention. The Committee notes therefore with interest, from the Government's reply, that it would be prepared to remind the labour inspectors of the exceptional character of the above section 22 (a) so as to limit its application to particularly serious circumstances. The Committee would consider such a reminder to be a most useful contribution to the application of the Convention, and would be grateful if the next report would indicate the measures taken to this effect.

2. The Committee also recalls, in this connection, that in pursuance of a circular of 4 July 1894, the labour inspectorate had been informed of the exclusion of small-scale food industries and bakeries from the application of sections 21, 22 and 23 of the above-mentioned Book of the Code. As these categories of undertakings fall within the scope of the Convention, in virtue of Article 1, paragraph 1 (b), the Committee would be grateful if the Government could also draw attention to this point in its communication to the labour inspectors to which reference is made in the first paragraph above.

Netherlands (ratification: 1954). Further to its previous observations the Committee notes with interest from the Government's report that an amendment of section 83 (7) of the Labour Act, 1919 (authorising exceptions from the night-work prohibition), is under preparation with a view to bringing the legislation into full conformity with Article 4 (a) and Article 4, paragraph 2, of Conventions Nos. 89 and 90 respectively (cases of *force majeure*). The Committee hopes that the amendment will be adopted at an early date.

Pakistan (ratification: 1951). The Committee regrets to note that, despite the assurances given by the Government since 1955, the report again indicates no progress in bringing section 46 (1) of the Mines Act, which gives the central Government general powers to grant exemptions from the provisions of the Act, into conformity with Article 5 of the Convention, which authorises the suspension of the prohibition of night work for women only in cases of serious emergency when the national interest demands it. The Committee urges the Government to eliminate the above divergency without further delay.

Philippines (ratification: 1953). Since 1956 the Committee has pointed out the discrepancies existing between the provisions of the Women and Child Labour Law (Act No. 679) and those of Article 2 (a night rest period of at least 11 consecutive hours) and Article 5, paragraph 1, of the Convention (consultation with employers' and workers' organisations before suspension of the night-work prohibition). The

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Committee therefore notes with regret from the Government's statement to the Conference Committee in 1965 that the Congress has failed to pass the Bill designed to eliminate these discrepancies, which has been pending adoption since 1958. It notes, moreover, that the report for the period 1964-65 contains no information on any new developments in this connection.

In these circumstances the Committee must urge the Government once again to make every possible effort so that the Bill giving effect to the Convention will be enacted without further delay.¹

Republic of South Africa (ratification: 1950). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

Further to the previous observation and direct requests, the Committee notes with interest that the Government contemplates amending the Mines and Works Act of 1956 in order to prohibit night work of women employed above ground in mining undertakings. It hopes that this amendment will be made in the near future.

On the other hand, the Committee notes with regret the Government's statement that it does not intend to bring the legislation concerning night work of women in the building industry into conformity with the requirements of the Convention. According to the Government, in practice women employed in the building industry are engaged only in office work and are not required to work at night. In these circumstances there should be no difficulty in adapting the legislation to the requirements of the Convention, particularly in order to prevent women from ever being employed under conditions contrary to the Convention.

The Committee trusts therefore that the necessary legislative prohibition will be introduced without further delay.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1964-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

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: *Algeria, Burundi, Congo (Leopoldville), Costa Rica, Greece, Guatemala, Ireland, Kuwait, Libya, Rwanda, Spain, Switzerland, Syrian Arab Republic, United Arab Republic, Yugoslavia.*

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Argentina (ratification: 1956). See the observation regarding Article 3 of Convention No. 79.

Czechoslovakia (ratification: 1950). Further to its previous observations the Committee notes with satisfaction the adoption of the new Labour Code of 16 June 1965 which prohibits night work by young persons under 18 years of age in industrial

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

undertakings, in compliance with the provisions of the Convention. It notes, moreover, that Act No. 177 of 1946 has been repealed by the provisions of the above Code.

Dominican Republic (ratification: 1957). See under Convention No. 79.

Haiti (ratification: 1957). Further to the observations made since 1960 the Committee notes with regret from the Government's report for 1964-65 that no progress has been made in eliminating the serious discrepancy between the Convention, which prohibits the night work of young persons under 18 years of age in industrial undertakings, and the Labour Code, which prescribes such prohibition only in the case of apprentices.

As the report indicates that in practice no children are employed at night, the Committee trusts that the Government will encounter no difficulty in adopting the necessary legislative measures to bring national legislation into conformity with the Convention, so as to prevent young persons from ever being employed in conditions contrary to the Convention.

Italy (ratification: 1952). See under Convention No. 77.

Mexico (ratification: 1956). In regard to the divergencies between section 68 of the Federal Labour Act and Article 2, paragraph 1, of the Convention, see under Mexico in the General Observations.

Netherlands (ratification: 1958). See under Convention No. 89.

Pakistan (ratification: 1951). The Committee notes with satisfaction that, following its previous observations, the East Pakistan Factories Act of 1965, which has replaced in East Pakistan the Factories Act of 1934, gives effect to Article 2, paragraph 2, Article 3, paragraph 1, and Article 6 of the Convention. It also notes with interest that, with a view to bringing the legislation in West Pakistan into conformity with the Convention, the Factories Act of 1934 is likewise to be replaced by a provincial law.

As regards the Employment of Children Rules, 1955, and the Consolidated Mines Rules, 1952, the Committee notes that the report merely refers to the revision of these Rules in West Pakistan but contains no information on similar measures to be taken in East Pakistan. The Committee hopes that steps will also be taken at an early date to bring these Rules also into conformity with Article 3, paragraph 2, of the Convention (authorising exceptions only for purposes of apprenticeship or vocational training in continuous industries after consultation with the employers' and workers' organisations concerned) as well as the Mines Rules with Article 3, paragraph 3 (a rest period of at least 13 consecutive hours).

Philippines (ratification: 1953). Further to its previous observations the Committee regrets to note from a Government statement in the Conference Committee in 1965 that the Bill designed to amend the Women and Child Labour Law (Act No. 679) has not been passed by Congress and that the report supplies no information on the progress achieved in this respect.

As reference to this Bill has been made since 1958 the Committee must urge the Government once more to make every possible effort to secure its enactment without further delay, so as to achieve full compliance between the provisions of the Act and Article 2 of the Convention (a night rest period of at least 12 consecutive hours).¹

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee has drawn the Government's attention since 1959 to a discrepancy between section 1 of the Decree of 28 May 1954, which prohibits night work of young persons during a period of 11 hours, and Article 2, paragraph 1, of the Convention, which defines "night" as a period of at least 12 consecutive hours.

The Committee has had an opportunity, on the other hand, to examine certain draft amendments to the Children's Code. Its comments on these amendments are being communicated to the Government in a direct request. The Committee trusts that full compliance with the terms of the Convention will be achieved in the very near future.

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: *Dominican Republic, Ghana, Greece, Italy, Luxembourg, Mauritania, Peru, Tunisia, Uruguay, Yugoslavia.*

Information supplied by *Argentina* and *Costa Rica* in answer to direct requests has been noted by the Committee.

Convention No. 92: Accommodation of Crews (Revised), 1949

Cuba (ratification: 1949). Referring to the observations that it has made since 1955 the Committee takes note of the information given by a Government representative at the Conference Committee in 1965 and partly reproduced in the Government's report for the period 1963-65.

The Committee notes that the Government reaffirms its intention of adopting regulations specifically applying to maritime work and including provisions on safety and hygiene on board ships, following the adoption on 8 September 1964 of the General Principles concerning Labour Protection and Hygiene. It notes, however, that these regulations, which the Government representative stated to be under consideration, have not yet been adopted.

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.

Poland (ratification: 1954). Referring to the observations that it has made since 1956 with a view to the adoption of provisions giving effect to the Convention the Committee takes note of the statement by a Government representative to the Conference Committee in 1964 and of the information in the Government report for the period 1963-65, to the effect that detailed provisions regarding the accommodation of crews on board ship are being prepared and are likely to be adopted in 1968.

The Committee trusts that the next report will contain information on the progress made in this connection.

Portugal (ratification: 1952). Referring to the observation and requests that it has made for some years on the application of Part III of the Convention (Crew Accommodation Requirements) the Committee notes that the regulations that are to be issued under Legislative Decree No. 43026 of 1960 to give effect to the Convention are ready for publication and that they will also apply to the overseas provinces. The Committee hopes that a copy thereof will be transmitted with the next report.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Brazil, Costa Rica.*

Convention No. 94: Labour Clauses (Public Contracts), 1949

Austria (ratification: 1951). The Committee notes the comments made by the Congress of Austrian Chambers of Labour concerning the incomplete application of the Convention at the provincial level. The Committee has also noted the Government's statement to the effect that provincial and local authorities should be allowed a reasonable amount of time to take the necessary measures, but that the Government is endeavouring to ensure that these authorities apply the provisions of the Convention as speedily as possible.

The Committee requests the Government to indicate in its next report what progress has been made in this respect.

Belgium (ratification: 1952). The Committee notes with satisfaction that, following previous remarks, the General Specifications for State Contracts have been amended by Ministerial Order of 14 October 1964, to oblige contractors to observe the rates of remuneration and other working conditions laid down by collective agreements in the occupation or industry concerned, even if these collective agreements have not been made binding by Royal Order.

Denmark (ratification: 1955). The Committee regrets to note that no report has been supplied for 1963-65. It recalls that no provision is yet made for the inclusion of labour clauses in public contracts, that it has been making observations on this failure to implement the Convention since 1958, and that according to the Government's earlier reports the matter has been under consideration by the Permanent Danish Tripartite I.L.O. Committee for six years.

The Committee trusts that measures will be taken without further delay to implement the Convention.¹

Finland (ratification: 1951). The Committee notes with satisfaction, from the information supplied in answer to its previous requests, that arrangements have been made by various ministries and public services giving out contracts for construction works to insert in such contracts the standard labour clauses drawn up by the Ministry of Social Affairs with a view to implementing the Convention. The Committee also notes with interest that, under a Resolution of the Council of State of 30 December 1965, contracts for state purchases shall, where the nature of the purchase requires, impose conditions as to wages and conditions of work as required by international Conventions binding the Government of Finland.

Uganda (ratification: 1963). The Committee notes with satisfaction that, following its direct request regarding the application of Article 1, paragraph 4, of the Convention, the previous exemption concerning contracts for less than £5,000 has been omitted from the revised instructions contained in General Notice No. 9 of 1963.

Uruguay (ratification: 1954). In 1964 the Committee noted the information supplied in the report for 1959-62 with respect to the clauses contained in the general specifications for public contracts, and remarked that this information was the first intimation that there existed measures which might give effect to the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

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, on the manner in which effect was given to each Article of the Convention.

The Committee notes with regret that for the second year in succession no report has been supplied. It is bound, therefore, to urge the Government to furnish all the information requested without delay.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Austria, Bulgaria, Burundi, Cameroon, Congo (Leopoldville), Costa Rica, Cuba, Finland, Ghana, Guatemala, Jamaica, Malaysia (Sabah, Sarawak), Mauritania, Morocco, Philippines, Rwanda, Somalia (former British Somaliland), Syrian Arab Republic, Turkey.*

Information supplied by *Tanzania (Tanganyika)* in answer to a direct request has been noted by the Committee.

Convention No. 95: Protection of Wages, 1949

Afghanistan (ratification: 1957). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee regrets to note that the Labour Code—in which the provisions of the Convention are to be incorporated—has not yet been enacted. As the Employment Regulations of 16 January 1946 do not give full effect to the Convention, the Committee trusts that provisions to ensure its full application will be adopted without further delay.

The Committee urges the Government to take the necessary action without further delay.

Ecuador (ratification: 1954). The Committee notes with regret that, for the fourth consecutive year, no report has been supplied and that accordingly no information is available in answer to the requests and observations made ever since 1959 concerning the implementation of Article 14 of the Convention. The Committee urges the Government to supply a report containing the information requested.

Greece (ratification: 1955). The Committee takes note of the Government's statement that the discrepancies to which attention was drawn in the Committee's earlier observations are to be examined by the committees responsible for the revision of the draft Labour Code, which will make such amendments as are necessary to bring the legislation into line with the Convention. The Committee hopes in consequence that appropriate measures will be adopted, in the near future, to regulate the payment of wages in kind in accordance with the provisions of Article 4 of the Convention, and to ensure control of prices in works stores, as required by Article 7, paragraph 2, of the Convention.

Honduras (ratification: 1960). Since 1963 the Committee has made direct requests concerning the application of Articles 2, 4, 7 (2), 12 (2), 14 and 15 of this Convention. In the continuing absence of a report the Committee must deal with this matter once again in a direct request.

The Committee urges the Government to supply its next report and to provide the information requested without fail.

Ivory Coast (ratification: 1960). The Committee notes with satisfaction that, following its direct request, the Labour Code of 1964, besides retaining the provisions

previously in force with respect to the protection of wages, also imposes in section 85 (4) a general prohibition on employers' limiting in any manner the freedom of the worker to dispose of his wages, as required by Article 6 of the Convention.

Philippines (ratification: 1953). Scope of the legislation. Ever since 1956 the Committee has made observations concerning the non-application of a number of 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). A Government representative stated at the Conference in 1962 and 1964 that a Bill to eliminate this discrepancy was before Congress. The Committee notes with regret that the Republic Act, No. 4180 of April 1965, which amended the Minimum Wage Law, did not eliminate the discrepancy in question but, on the contrary, further restricted the application of the Convention by also excluding mining enterprises from this Law.

Article 7, paragraph 2, of the Convention. The Government refers once again to the Republic Act No. 2610 of 1959. As previously observed by the Committee this Act (originally due to expire at the end of 1960) would not give the general protection required by the Convention as regards works stores, nor did it deal in any way with services provided by an employer. The Committee further recalls that the Government stated already in its report for 1957-58 that it was proposed to amend the relevant legislation to make possible the application of this Article of the Convention.

Article 13, paragraph 2. Section 10 (i) of the Minimum Wage Law is once more referred to by the Government. The Committee pointed out as long ago as 1957 that this provision—which, read together with the rules issued thereunder, requires wages to be paid within one kilometre of the undertaking—did not prohibit the payment of wages in taverns, etc.

The Committee urges the Government to take the necessary action without delay to eliminate the above-mentioned discrepancies between the national legislation and the Convention.¹

Tanzania (Tanganyika) (ratification: 1962). Further to its observation of 1964 the Committee notes with satisfaction that the Wages Regulation (Non-Plantation Agriculture, Gold Mining, Tea Industry and Casual Employees) Order, 1965, regulates the value of benefits in kind in accordance with Article 4 of the Convention for classes of workers previously excluded under the Wages Regulations Order, 1962.

Uruguay (ratification: 1954). The Committee regrets that the Government has not supplied a report for 1963-65, and that accordingly no information is available regarding the points raised in its direct request of 1964, which related to Articles 4, 5, 6, 12 (1) and 13 (2) of the Convention and which the Committee is once more addressing to the Government. As the application of these provisions has been the subject of comments by the Committee since 1957 it hopes that measures to ensure their full application will be taken without further delay.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Argentina, Brazil, Byelorussia, Cameroon, Central African Republic, Chad, China, Costa Rica, Cyprus, Gabon, Guinea, Honduras, Hungary, Iraq, Libya, Malaysia, Mali, Malta, Mauritania, Nigeria, Poland, Sierra Leone, Somalia (former British Somaliland), Spain, Syrian Arab Republic, Tunisia, Turkey, Uganda, Ukraine, U.S.S.R., United Arab Republic, Uruguay.*

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Brazil (ratification: 1957). The Committee notes from the Government's reply to the previous observation that the National Employment and Wages Department will, as soon as its organisation is completed, become responsible for preparing the measures designed to give full effect to the Convention. The Committee trusts that appropriate legislative measures will thus be taken at an early date to prohibit fee-charging employment agencies conducted with a view to profit, as required by Article 3 of the Convention.

The Committee also hopes that the necessary provisions will soon be adopted to require fee-charging employment agencies not conducted with a view to profit, including those established by trade unions in virtue of section 513 of the Consolidation of Labour Laws:

(a) to have an authorisation from the competent authority and to be subject to the supervision of the said authority;

(b) to refrain from making any charge in excess of the scale of charges submitted to and approved or fixed by the competent authority, with strict regard to the expenses incurred;

(c) to place or recruit workers abroad only if permitted to do so by the competent authority and under conditions determined by the legislation in force (Article 6 of the Convention).¹

Israel (ratification: 1961). Further to its direct request of 1964 the Committee takes due note of the statement in the Government's report that recruitment through labour contractors is considered to come within the definition of "private employment agency" given in the national legislation, that if any licence is issued in future to such an agency its duration will be limited in accordance with Article 10 (b) of the Convention, and that a cancellation provision will be inserted in the licence, so as to give effect to the requirements of Article 13 of the Convention.

Pakistan (ratification: 1952). In the Conference Committee in 1965 a Government representative had indicated that there were no fee-charging employment agencies and no labour contractors in the sense envisaged by the Convention. As Article 1, paragraph 1 (a), defines the term "fee-charging employment agency" to include "any person" acting "as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving directly or indirectly any pecuniary or other material advantage from either employer or workers", and as the Government had recognised on previous occasions both in the Conference Committee and in its reports on the Hours of Work (Industry) Convention, 1919 (No. 1) that the practice of contract labour existed in Pakistan, the Committee welcomes the statement in the report that both provincial Governments have decided to adopt as early as possible legislation with a view to giving effect to the Convention.

The Committee recalls in this connection that reference has been made to the intention to enact appropriate legislation since 1958 and expresses the hope that the necessary measures will be adopted at a very early date.¹

Turkey (ratification: 1952). The Committee notes with regret that no progress has been made in adopting the Bill to regulate the activities of persons acting as intermediaries in agriculture, which was first mentioned by the Government in 1954.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

According to the report this Bill was resubmitted to Parliament in December 1965 and the Committee trusts that action will be taken on it without further delay, so as to ensure compliance with Part III of the Convention.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Costa Rica, France, Federal Republic of Germany, Guatemala, Japan, Libya, Senegal, Syrian Arab Republic, United Arab Republic.*

Information supplied by *Bolivia, Ceylon, Gabon, Ivory Coast* in answer to direct requests has been noted by the Committee.

Convention No. 97: Migration for Employment (Revised), 1949

France (ratification: 1954). The Committee, while noting the information provided by the Government in its last report and at the Conference in 1965, regrets to note that the measures previously contemplated to bring the rules for the granting of maternity allowance into conformity with the provisions of Article 6, paragraph 1 (*b*), of the Convention (equality of treatment for immigrant workers and nationals in respect of social security, without discrimination on grounds of nationality) have not yet been adopted.

The Committee recalls that the maternity allowance in question is defined by the French Social Security Code as one of the family benefits, and that it is financed and granted under a social security scheme, in the same way as other family benefits. It also recalls that the principle of equality of treatment mentioned above is applicable, under Article 6, paragraph 1 (*b*), of the Convention, in respect of every risk "which, according to national laws or regulations, is covered by a social security scheme" (subject only to the limitations provided under clauses (i) and (ii) of this provision).

In these circumstances, and in view of the intention expressed on several occasions by the Government of reconsidering the problem raised by the conditions for the granting of maternity allowance in connection with the application of the Convention, the Committee can only once more express the wish that this discrepancy, which it has been pointing out since 1957, will be eliminated without further delay.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Belgium, Cameroon (Western Cameroon), Jamaica, Tanzania (Zanzibar), Trinidad and Tobago, Upper Volta, Uruguay.*

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Dominican Republic (ratification: 1953). With respect to certain categories of agricultural workers, see Convention No. 87.

Ecuador (ratification: 1954). Since 1962 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.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Greece (ratification: 1962). See under Convention No. 87.

Honduras (ratification: 1956). Since 1959 the Committee has 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.

Liberia (ratification: 1962). See under Convention No. 87.

Sudan (ratification: 1957). In 1965 the Committee made an observation regarding acts of interference which might occur in the establishment of a trade union, having regard to section 18 (c) of the Trade Disputes Act, 1960, in particular in conjunction with section 27 of the Trade Unions Ordinance, 1948.

The Committee notes the Government's statement in its report that the Trade Unions Ordinance, 1948, was amended in 1965, but has not yet received the copy of the new Ordinance promised by the Government. The Committee also notes that the Trade Disputes Bill, 1965, has been submitted to the Council of Ministers for its approval.

In these circumstances the Committee hopes that the Government will forward with its next report the complete text of the Trade Unions Ordinance, 1948 (amended in 1958 and in 1965), and the complete text of the new Trade Disputes Act, 1965, if this has already been passed, or if not, the text of the Bill.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *China, Costa Rica, Dominican Republic, Ecuador, Ethiopia, Guinea, Honduras, Liberia, Libya, Senegal, Tanzania (Zanzibar), Yugoslavia.*

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Information supplied by *Costa Rica* in answer to a direct request has been noted by the Committee.

Convention No. 100: Equal Remuneration, 1951

Ecuador (ratification: 1957). The Committee notes from the statement made by a Government representative to the Conference Committee in 1965 that the principle of equal pay for equal work for men and women is laid down in the Labour Code and in the Constitution. As, however, the report for 1964-65 has not been received, the Committee must recall that the Government's first report (submitted in 1959) was limited to a similar brief statement and that since then, notwithstanding the observations made for the past six years by the Committee calling for 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 once again that it lacks the information necessary to satisfy itself that the Convention is being effectively observed.

The Committee urges the Government to supply a report providing detailed information on the application of the Convention, in law and practice, according to the report form adopted by the Governing Body.

Honduras (ratification: 1956). The Committee notes with regret that once more 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 in certain agricultural and stock-raising establishments, which it is repeating once again.

The Committee urges the Government to supply detailed information on these matters.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark, Honduras, Iceland, Iraq, Libya, Peru, Senegal, United Arab Republic*.

Information supplied by *Costa Rica* in answer to a direct request has been noted by the Committee.

Convention No. 101: Holidays with Pay (Agriculture), 1952

United Kingdom (ratification: 1956). Article 5 of the Convention. The Committee notes with interest that the Agricultural Wages Board for England and Wales has increased the annual holiday entitlement for whole-time long-service workers, as provided for in Article 5 (b) of the Convention.

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Cuba, France, Gabon, Hungary, Italy, Morocco, Peru, Poland, Senegal, Sierra Leone, United Arab Republic, United Kingdom, Yugoslavia*.

Information supplied by *Brazil, Malagasy Republic, Syrian Arab Republic, Uruguay* in answer to direct requests has been noted by the Committee.

Convention No. 102: Social Security (Minimum Standards), 1952

Requests concerning certain points are being addressed directly to the following States: *Senegal, Yugoslavia*.

Information supplied by *Greece* and *Iceland* in answer to direct requests has been noted by the Committee.

Convention No. 103: Maternity Protection (Revised), 1952

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

The Committee trusts that the Government will make every effort to take the necessary action without further delay.

* * *

In addition, a request regarding certain other points is being addressed directly to *Uruguay*.

Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

Requests regarding certain points are being addressed directly to the following States: *Nigeria, El Salvador*.

Convention No. 105: Abolition of Forced Labour, 1957

Dominican Republic (ratification: 1958). The Committee notes with regret that, apart from the general indication concerning prison labour mentioned in paragraph 2 below, no information has been provided in answer to its previous observations and direct requests, relating to matters originally raised in direct requests going back to 1961.

1. As noted by the Committee in its previous observation, 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.

The Committee hopes that the Government will take the necessary measures 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 the statement in the Government's report for the period ending 30 June 1964 (which was received only after the Committee's meeting in 1965) that no measures have been taken with regard to the matters raised by the Committee to ensure that persons sentenced to corrective imprisonment are not put on hard labour. The Committee must therefore draw the Government's attention to the fact that, as indicated by it in the general conclusions concerning forced labour in its report of 1962, the Convention applies to penal labour, whatever its form, when imposed for any of the purposes mentioned in Article 1.

The Committee must once more point out that the following provisions appear to permit the imposition of penal labour for purposes falling within Article 1 (a), (c) and (e) of the Convention:

(a) sections 2 and 3 of Act No. 1443 of 14 June 1947, prohibiting 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;

(b) sections 2 and 3 of Act No. 3143 of 11 December 1951, under which 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, the fraudulent intention being proved by the mere fact of failure to carry out the work by the agreed date or within the required time except in cases of *force majeure*;

(c) the provisions of the Labour Code making strikes illegal not only in "any public service of permanent utility" (section 370), but also when 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 continued in disregard of the court order for 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.

The Committee once more expresses the hope that the Government will take the necessary measures in relation to the above-mentioned 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.

The Committee has also repeatedly requested information on the practical application of a number of provisions of the Penal Code and of the above-mentioned Act No. 1443 of 14 June 1947. The Committee is once more, in a direct request, asking the Government to supply full particulars on these matters.¹

Federal Republic of Germany (ratification: 1959). In 1963 and 1964 the Committee, referring to a number of provisions in the Penal Code concerning State security and public order (sections 84, 90a, 93, 95, 96, 96a, 97, 99, 100, 100a (2), 100c, 100d, 129 and 129a), requested the Government to supply information on the practical application of these provisions and to indicate the measures taken or proposed to be taken to ensure conformity with Article 1 (a) of the Convention. In the report for the period 1961-63, and once more in the latest report, the Government took the view that the application of these provisions was not relevant to the implementation of the Convention, since work exacted from persons sentenced to deprivation of liberty by due process of law on the basis of penal provisions in force was not forced labour within the meaning of the Convention. The Government also stated that these sections of the Penal Code did not provide for sentences of hard labour.

The Committee had in its request of 1964 referred to paragraphs 11 and 161 of the General Conclusions on Forced Labour by the Committee of 1962, which indicated on the basis of the text of the Convention as well as the preparatory work leading to its adoption, that the imposition of prison labour or any other form of forced or compulsory labour for any of the five purposes enumerated in Article 1 would fall within the Convention. Moreover, the Convention does not, as suggested by the Government, make any distinction between "hard labour" and other forms of penal labour.

Accordingly, if the provisions of the Penal Code in question were used or might be used for a purpose indicated in Article 1 (a) of the Convention, the application of the Convention would not be displaced by the fact that the persons concerned had been sentenced by due process of law, since they would under the relevant prison regulations be obliged to perform labour. The Committee hopes that the Government will supply full information on this matter in the next report, in accordance with the more detailed request which is once more being addressed to it.

Israel (ratification: 1958). See under Convention No. 29.

Jordan (ratification: 1958). In 1963, 1964 and 1965 the Committee had made a direct request concerning the application of this Convention. In the absence of a report the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

¹ The Government is asked to report in detail for the period ending 30 June 1966.

Malaysia (States of Malaya) (ratification: 1958). In 1963 the Committee had requested the Government to indicate the measures taken or proposed to be taken with regard to a number of legislative provisions to ensure conformity with Article 1 (a), (b), (c) and (d) of the Convention. In November 1963 the Government stated that it would like to have more time to give consideration to the important issues raised by the Committee and that detailed replies would be provided with the next report. The Committee regrets to note that, in spite of requests made in 1964 and 1965 to supply the information in question, the Government has merely repeated once more that the various matters are still under consideration. The Committee trusts that the Government will at an early date supply detailed answers to the points raised in its requests.¹

Norway (ratification: 1958). In a direct request in 1962 the Committee noted that, under section 311 of the Penal Code, imprisonment (involving an obligation to work) might be imposed on seamen who conspired to disobey orders. Having regard to the possible application of these provisions to punish seamen for participation in strikes, the Committee requested the Government to review them in the light of the comments concerning Article 1 (d) of the Convention made the same year in the Committee's general survey concerning forced labour, in which it stressed the distinction to be drawn between penalties imposed for acts endangering safety and penalties applicable to breaches of discipline generally.

The Committee notes with satisfaction from the Government's latest report that section 311 of the Penal Code was amended in 1963 so as to permit the imposition of sanctions under this section only when human life or the safety of the ship has been endangered.

Pakistan (ratification: 1960). For the third year in succession no report has been supplied, and accordingly no information is available on the matters raised by the Committee in requests made since 1962. The Committee is once more addressing a direct request to the Government on these matters. It urges the Government to supply a detailed report for examination by the Committee at its next session, since in the absence of such information the Committee is unable to satisfy itself that the Convention is being effectively observed.

Portugal (ratification: 1959). The Committee has taken note of the very detailed information supplied by the Government in answer to its observations on matters arising out of the report of the Commission of Inquiry appointed under article 26 of the I.L.O. Constitution, and of the statement communicated by the Government, in response to a request by the Governing Body of the I.L.O., concerning the measures taken to implement the recommendations of the Commission of Inquiry.

The Committee notes with satisfaction that Ministerial Legislative Instrument No. 24 of 9 May 1961 of Angola, which provided for compulsory recruitment for a Labour and Economic Recovery Corps as an emergency measure (as noted by the Commission of Inquiry in paragraph 735 of its report), was repealed by Decree No. 46251 of 19 March 1965.

The Committee also notes with interest the Government's statement, with reference to paragraph 746 of the report of the Commission of Inquiry, that, under new agreements concluded with the Republic of South Africa and ratified on 13 October 1965, the penal sanctions for breach of contracts of employment provided for in the laws of the Republic of South Africa will no longer be applied to workers from Portuguese territory. The Committee requests the Government (a) to supply copies of the new provisions with its next report; (b) to indicate whether they have

¹ The Government is asked to report in detail for the period ending 30 June 1966.

also been ratified by the Republic of South Africa and, if so, the date on which they came into force; (c) to indicate the measures of publicity taken to bring the new provisions to the attention of all interested parties (employers, workers, Portuguese officials responsible for looking after the interests of workers from Portuguese territory employed in South Africa, and the competent judicial authorities).

With reference to paragraph 744 of the report of the Commission of Inquiry, the Committee notes that the rules of operation of the Angola Roads Board have now been adopted and are in force, and that the full text thereof will be supplied when printed.

The Committee refers to the conclusions reached by it in the special report which it is submitting to the Governing Body, as requested by the latter, on the measures taken by the Government of Portugal to implement the recommendations of the Commission appointed under article 26 of the Constitution, and requests the Government to continue to give in subsequent reports:

(a) detailed information on the measures taken by the Diamond Company of Angola in pursuance of its declared policy of trying to replace recruiting by the exclusive engagement of labour spontaneously offering its services, the effect of these measures on the composition of the Company's labour force, the methods of recruiting used by the Company and the results of inspections carried out by the labour inspectorate in this connection (paragraph 738 of the report of the Commission of Inquiry);

(b) similar information with regard to the publicly owned railways and ports of Angola (paragraph 741);

(c) similar information with regard to the Cassequel Agricultural Company, indicating also the reasons for recourse by this Company to professional recruiters from 1963 onwards and whether it continues to use this form of recruiting, and providing detailed information concerning the rates of remuneration currently in force (paragraph 749);

(d) particulars of the size and activities of the labour inspection services of Angola and Mozambique, including information on any matters bearing directly on the application of the Convention which may have come to light as a result of these activities;

(e) detailed information on further action in the field of manpower policy in Angola and Mozambique, particularly as regards the development of the employment services provided for in the Rural Labour Code and Legislative Decree No. 46731 of 1965 and the effect of these measures on the volume of recruiting for the various branches of activity.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Canada, Chad, China, Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Finland, Gabon, Federal Republic of Germany, Ghana, Honduras, Iceland, Iraq, Ireland, Jamaica, Jordan, Liberia, Libya, Malaysia, Mexico, Niger, Nigeria, Norway, Pakistan, Peru, Portugal, Rwanda, El Salvador, Senegal, Sierra Leone, Somali Republic, Sweden, Switzerland, Trinidad and Tobago, Tunisia, United Kingdom.*

Information supplied by *Malta* in answer to a direct request has been noted by the Committee.

¹ The Government is asked to report in detail for the period ending 30 June 1966.

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Requests regarding certain points are being addressed directly to the following States: *Costa Rica, Dominican Republic, Italy, Mexico, Pakistan, Portugal, United Arab Republic, Yugoslavia.*

Convention No. 107: Indigenous and Tribal Populations, 1957

Requests regarding certain points are being addressed directly to the following States: *Costa Rica, Peru, Portugal, El Salvador, United Arab Republic.*

Convention No. 108: Seafarers' Identity Documents, 1958

Requests regarding certain points are being addressed directly to the following States: *Brazil, Ghana, Greece, Italy.*

Convention No. 110: Plantations, 1958

Requests regarding certain points are being addressed directly to the following States: *Guatemala, Liberia.*

Convention No. 111: Discrimination (Employment and Occupation), 1958

Requests regarding certain points are being addressed directly to the following States: *Costa Rica, Denmark, Guinea, Iceland, Iraq, Italy, Liberia, Libya, Morocco, Pakistan, United Arab Republic, Yugoslavia.*

Convention No. 112: Minimum Age (Fishermen), 1959

Guinea (ratification: 1960). In 1963 and 1965 the Committee had made a direct request concerning the application of this Convention. In the absence of a report the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Guinea, Liberia.*

Convention No. 113: Medical Examination (Fishermen), 1959

Guinea (ratification: 1960). See under Convention No. 112.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, China, Guinea, Liberia, Spain.*

Information supplied by *Bulgaria* in answer to a direct request has been noted by the Committee.

Convention No. 114: Fishermen's Articles of Agreement, 1959

Guinea (ratification: 1960). See under Convention No. 112.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *China, Guinea, Liberia, Mauritania, Peru, Spain*.

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the following States: *Ghana, Iraq, Norway, Spain, Switzerland, United Kingdom*.

Information supplied by *Sweden* in answer to a direct request has been noted by the Committee.

Convention No. 118: Equality of Treatment (Social Security), 1962

Requests regarding certain points are being addressed directly to the following States: *Norway, Sweden, Syrian Arab Republic*.

Appendix I. Detailed Reports Received and Detailed Reports Not Received by 25 March 1966

Reports received: 1,444. Reports not received: 256. Total: 1,700.
(Article 22 of the Constitution)

Country	Reports received †		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Afghanistan	0	—	7	4, 13, 41, 45, 95, 105, 106	7
Albania	0	—	9	4, 6, 10, 16, 29, 52, 77, 78, 87	9
Algeria	1	81	27	6, 10, 13, 14, 17, 18, 19, 24, 29, 42, 44, 56, 63, 69, 71, 73, 74, 77, 78, 88, 89, 92, 94, 95, 96, 97, 101	28
Argentina	31	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 34, 41, 42, 45, 50, 52, 53, 68, 71, 73, 77, 78, 79, 81, 88, 90, 95, 105	0	—	31
Australia	13	10, 12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105	0	—	13
Austria	21	2, 4, 6, 10, 12, 13, 17, 18, 19, 24, 25, 29, 42, 45, 63, 81, 89, 94, 95, 101, 105	0	—	21
Belgium	33	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 45, 53, 55, 56, 69, 73, 74, 81, 82, 85, 88, 89, 92, 94, 96, 101, 105, 112, 113, 114	0	—	33
Bolivia	3	19, 42, 96	0	—	3
Brazil	17	6, 12, 16, 19, 29, 42, 45, 52, 53, 81, 88, 89, 92, 95, 96, 101, 108	0	—	17
Bulgaria	32	6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 42, 44, 45, 52, 53, 55, 56, 69, 71, 73, 77, 78, 79, 81, 87, 94, 95, 113	0	—	32

† For footnotes see end of table, p. 129.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Burma	10	2, 16, 17, 18, 19, 22, 29, 42, 63, 87	3	6, 41, 52	13
Burundi	0	—	11	4, 12, 17, 18, 19, 29, 42, 85, 89, 94, 105	11
Byelorussia	11	10, 16, 29, 45, 52, 77, 78, 79, 87, 90, 95	0	—	11
Cameroon	5	19, 29, 45, 94, 95	0	—	5
Eastern Cameroon . . .	4	4, 6, 13, 85	0	—	4
Western Cameroon . . .	5	16, 65, 81, 97, 105	0	—	5
Canada	8	16, 22, 63, 69, 73, 74, 88, 105	0	—	8
Central African Republic .	13	2, 3, 4, 6, 10, 13, 17, 18, 19, 29, 41, 81, 95	0	—	13
Ceylon	9	16, 18, 29, 41, 45, 63, 81, 90, 96	0	—	9
Chad	9	4, 6*, 13, 29*, 41*, 52*, 85*, 95, 105*	0	—	9
Chile	20	2, 4, 6, 8, 10, 11, 12, 13, 16, 17, 18, 19, 22, 24, 25, 29, 37, 38, 45, 63	2	9, 34	22
China	8	16, 19, 23, 45, 81, 95, 113, 114	2	22, 105	10
Colombia*	19	2, 3, 4, 9, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 26, 52, 95, 100, 105	0	—	19
Congo (Brazzaville)	7	4, 6, 13, 29, 33, 41, 95	0	—	7
Congo (Leopoldville) . . .	8	4, 12, 17, 18, 19, 42, 89, 94	2	29, 85	10
Costa Rica	17	11, 29, 45, 81, 87, 88, 89, 90, 92, 94, 95, 96, 98, 99, 100, 105, 106	0	—	17
Cuba	32	4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 45, 52, 63, 67, 77, 78, 79, 81, 87, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105	0	—	32
Cyprus	9	16, 19, 29, 45, 81, 88, 94, 95, 105	0	—	9

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Czechoslovakia	21	1, 4, 10, 12, 13, 17, 18, 19, 24, 25, 29, 34, 42, 44, 45, 48, 52, 63, 88, 89, 90	0	—	21
Dahomey	6	6, 13, 18, 41*, 85*, 95*	3	4, 29, 105	9
Denmark	14	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 92, 105	1	94	15
Dominican Republic . . .	0	—	13	1, 10, 19, 29, 45, 52, 79, 81, 88, 89, 90, 104, 105	13
Ecuador	0	—	14	2, 24, 26, 29, 35, 37, 39, 45, 95, 98, 100, 103, 105, 111	14
Ethiopia	3	87, 88, 98	0	—	3
Finland	21	2, 12, 13, 16, 17, 18, 19, 22, 29, 42, 45, 52, 53, 63, 73, 81, 92, 94*, 96, 100*, 105	0	—	21
France	38	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77*, 78*, 81*, 82, 85, 88, 89, 92, 94, 95, 96, 97, 101	0	—	38
Gabon	12	4, 6, 10, 12, 19, 41, 45, 52, 85, 95, 96, 101	3	13, 29, 105	15
Federal Republic of Germany	23	2, 3, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 45, 56, 63, 81, 88, 96, 101, 105, 112	0	—	23
Ghana	12	16, 19, 26, 45, 65, 81, 88, 89, 90, 94, 108, 115	2	29, 105	14
Greece	18	2, 6, 13, 16, 17, 19, 42, 45, 52, 58, 69, 81, 88, 89, 90, 95, 102, 108	2	29, 105	20
Guatemala	19	19, 45, 63, 65, 77, 78, 79, 81, 88, 89, 90, 94, 95, 96, 101, 105, 113, 114, 118	0	—	19
Republic of Guinea	0	—	13	4, 6, 13, 18, 29, 41, 81, 95, 105, 111, 112, 113, 114	13

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Haiti*	13	12, 17, 19, 24, 25, 29, 42, 45, 77, 78, 81, 90, 105	0	—	13
Honduras	0	—	12	14, 29, 45, 78, 87, 95, 98, 100, 105, 106, 108, 111	12
Hungary	21	2, 6, 10, 12, 13, 16, 17, 18, 19, 24, 29, 41, 42, 45, 48, 52, 77, 78, 87, 95, 101	0	—	21
Iceland	11	2, 11, 15, 29, 58, 87, 98, 100, 102, 105, 111	0	—	11
India	12	4, 6, 16, 18, 19, 22, 29, 45, 81, 88, 89, 90	0	—	12
Indonesia	0	—	3	19, 29, 45	3
Iran	3	29, 104, 105	0	—	3
Iraq	15	17, 18, 19, 29, 41, 42, 52, 77, 78, 81, 88, 95, 100, 105, 115	0	—	15
Ireland	18	2, 6, 10, 12, 16, 19, 22, 23, 29, 42, 44, 45, 63, 69, 74, 81, 89, 92	1	105	19
Israel	16	10, 19, 29, 48, 52, 77, 78, 79, 81, 88, 90, 94, 95, 96, 101, 105	0	—	16
Italy	37	2, 4, 6, 10, 12, 13, 16, 18, 19, 22, 23, 29, 42, 44, 45, 48, 52, 53, 55, 69, 71, 73, 77, 78, 79, 81, 88, 89, 90, 94, 95, 96, 101, 106, 108, 111, 114	0	—	37
Ivory Coast	13	4, 6, 13, 18, 19, 29, 41, 45, 52, 85, 95, 96, 105	0	—	13
Jamaica	12	16, 19, 26, 29, 50, 58, 64, 65, 81, 86, 94, 97	1	105	13
Japan	13	2, 10, 16, 18, 19, 22, 29, 42, 45, 73, 81, 88, 96	0	—	13
Jordan	0	—	4	105, 111, 117, 118	4
Kenya	12	2, 12, 17, 19, 29, 45, 63*, 65, 81, 88, 94, 105	0	—	12
Kuwait	3	52, 89, 105	1	117	4

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Laos	0	—	4	4, 6, 13, 29	4
Lebanon	0	—	7	14, 26, 45, 52, 81, 89, 90	7
Liberia	8	29, 58, 87, 98, 104, 110, 111, 112	6	53, 55, 65, 105, 113, 114	14
Libya	9	52, 88, 89, 95, 96, 98, 100, 104, 105	1	29	10
Luxembourg	24	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 42, 45, 77, 78, 79, 81, 88, 89, 90, 96	0	—	24
Malagasy Republic	10	4, 6, 12, 13, 19, 29, 41, 52, 95, 101	0	—	10
Malawi	5	12, 19, 45, 65, 81	0	—	5
Malaysia	4	29, 65, 81, 105	0	—	4
States of Malaya	5	12, 17, 19, 45, 95	0	—	5
State of Sabah	6	15, 16, 86, 94, 95, 97	0	—	6
State of Sarawak	5	12, 16, 19, 94, 95	0	—	5
Republic of Mali	16	4, 5, 6, 11, 13, 14, 18, 26, 29, 33, 41, 81, 87, 95, 98, 105	0	—	16
Malta	12	2, 10, 12, 16, 19, 22, 29, 42, 81, 88, 95, 105	0	—	12
Islamic Republic of Mauritania	21	4, 6, 13, 17, 18, 19, 22, 23, 29, 52, 53, 58, 62, 81, 89, 90, 94, 95, 101, 112, 114	1	111	22
Mexico	23	8, 12, 13, 16, 17, 19, 22, 23, 29, 32, 34, 42, 45, 52, 53, 55, 62, 63, 87, 90, 95, 105, 106	1	102	24
Morocco	20	2, 4, 12, 13, 17, 18, 19, 22, 29, 41, 42, 45, 52, 55, 65, 81, 94, 101, 104, 111	0	—	20
Netherlands	27	2, 10, 12, 13, 16, 17, 19, 22, 23, 42, 45, 48, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105	1	29	28

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
New Zealand	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104	0	—	21
Nicaragua	21	2, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 17, 18, 19, 22, 23, 24, 25, 27, 28, 29	0	—	21
Niger	11	4, 6, 13, 18, 29, 41, 65, 85, 95, 104, 105	0	—	11
Nigeria	11	16, 19, 29, 45, 65, 81, 88, 94, 95, 104, 105	0	—	11
Norway	28	2, 10, 12, 13, 18, 19, 22, 24, 25, 29, 42, 44, 53, 63, 69, 71, 73, 81, 88, 90, 92, 95, 96, 101, 105, 112, 115, 118	0	—	28
Pakistan	12	4, 6, 16, 18, 19, 22, 45, 81, 87, 89, 90, 96	2	29, 105	14
Panama	0	—	10	3, 12, 17, 30, 42, 45, 52, 81, 87, 100	10
Peru	26	4, 10, 12, 19, 22, 23, 24, 25, 29, 41, 45, 52, 53, 55, 56, 69, 71, 73, 77, 78, 79, 81, 90, 101, 113, 114	3	44, 88, 105	29
Philippines	11	17, 23, 53, 77, 87, 88, 89, 90, 94, 95, 105	0	—	11
Poland	29	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 45, 48, 69, 73, 74, 77, 78, 79, 87, 92, 95, 96, 101, 105	0	—	29
Portugal	16	4, 6, 12, 17, 18, 19*, 29, 45, 69, 73, 74, 81, 92, 104, 105, 107	0	—	16
Rumania	9	2, 3, 6, 10, 13, 16, 24, 29, 89	0	—	9
Rwanda	9	4, 12, 17, 18, 19, 42, 89, 94, 105	0	—	9
El Salvador	0	—	4	12, 104, 105, 107	4
Senegal	19	5, 6, 11, 13, 14, 18, 26, 29, 33, 52, 81, 87, 89, 96, 98, 99, 100, 101, 102	6	4, 10, 12, 19, 95, 105	25

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Sierra Leone	12	16, 17, 19, 22, 29*, 45, 65, 81, 88, 94, 95, 101	1	105	13
Singapore	11	12, 16, 19, 22, 29, 45, 65, 81, 88, 94, 105	0	—	11
Somali Republic	3	29, 65, 85	1	105	4
Former trust territory . .	6	16, 17, 19, 22, 23, 45	0	—	6
Former British Somaliland	2	94, 95	0	—	2
Republic of South Africa ¹ .	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Spain	28	1, 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 30, 34, 42, 45, 48, 81, 88, 89, 95, 113, 114, 115	0	—	28
Sudan	5	2, 19, 26, 29, 98	0	—	5
Sweden	20	2, 10, 12, 13, 16, 17, 19, 29, 42, 45, 63, 73, 81, 88, 92, 96, 101, 105, 115, 118	0	—	20
Switzerland	15	2, 6, 16, 18, 19, 23, 29, 44, 45, 63, 81, 88, 89, 105, 115	0	—	15
Syrian Arab Republic . . .	19	2, 17, 18, 19, 29, 45, 52, 53, 63, 81, 88, 89, 94, 95, 96, 101, 104, 105, 118	0	—	19
Tanzania	10	12, 16, 17, 19, 29, 63, 65, 94, 95, 105	0	—	10
Tanganyika	4	45, 81, 88, 101	0	—	4
Zanzibar	0	—	1	85	1
Togo	7	4, 6, 13, 29, 41, 85, 95	0	—	7
Trinidad and Tobago . . .	0	—	6	16, 19, 29, 65, 85, 105	6 B
Tunisia	15	4, 6, 12, 13, 17, 18, 19, 45, 52, 65, 81, 89, 90, 95, 104	5	29, 105, 112, 113, 114	20
Turkey	9	2, 42, 45, 81, 88, 94, 95, 96, 105	0	—	9
Uganda	10	12, 17, 19, 29, 45, 65, 81, 94, 95, 105	0	—	10
Ukraine	11	10, 16, 29, 45, 52, 77, 78, 79, 87, 90, 95	0	—	11

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
United Arab Republic . . .	18	2, 17*, 18*, 19, 29, 45, 52, 53*, 63*, 81, 88, 89, 94*, 95, 96, 101, 104, 105	0	—	18
United Kingdom	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115	0	—	28
United States	3	53, 55, 74	0	—	3
Upper Volta	11	4, 6, 13, 18, 29, 41, 85, 87, 95, 97, 111	0	—	11
Uruguay	0	—	37	1, 2, 10, 12, 13, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, 30, 42, 43, 45, 52, 58, 59, 60, 62, 63, 73, 77, 78, 79, 89, 90, 94, 95, 97, 101, 103	37
U.S.S.R.	10	10, 16, 29, 45, 52, 77, 78, 79, 90, 95	1	87	11
Venezuela	0	—	9	1, 2, 6, 13, 19, 22, 29, 41, 45	9
Viet-Nam	0	—	11	4, 5, 6, 13, 14, 26, 27, 29, 45, 52, 81	11
Yugoslavia	25	2*, 12*, 13, 16, 17*, 18*, 19*, 22*, 23, 24*, 25*, 29, 45, 52, 53, 56*, 69, 74, 81, 88*, 89, 90, 101, 113, 114	1	48	26
Zambia	6	12, 17, 19, 29, 45, 65	1	117	7
<i>State Not a Member of the I.L.O.</i>					
Western Samoa	3	29, 65, 104	0	—	3

* Received too late to be summarised in Report III (Part I).

¹ By letter of 11 March 1964, the Republic of South Africa gave notice of its intention to withdraw from membership of the I.L.O. (see article 1 (5) of the Constitution).

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	1,356	90.7
1963-1965	1,700 ⁴	282	16.6	1,444	84.9	—	—

¹ The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February in 1932 and 23 July in 1945; the date limit for the receipt of reports has accordingly varied. ² The Conference did not meet in 1940.

³ First year for which this figure is available. ⁴ As a result of a decision by the Governing Body, detailed reports were requested only on 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, for the second year in succession, no reports have been supplied in respect of the Faroe Islands and Greenland. It trusts that every effort will be made to supply all reports due in future.

France

The Committee notes that the reports in respect of French Somaliland and some of the reports in respect of the Comoro Islands do not indicate whether copies of the reports 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 the necessary information in this regard will in future be given in all reports.

Netherlands

The Committee notes with regret that the 40 reports due in respect of the application of Conventions in Surinam have not been received. The Committee must draw attention to the fact that this is the fourth occasion in the past six years on which there has been total failure to comply with the reporting obligations in respect of this territory, and that in regard to some Conventions no reports have been supplied throughout this period. The failure to supply reports is all the more regrettable because in many cases observations have been outstanding for a number of years. The Committee urges the Government once more to take the necessary steps to ensure that reports are supplied in future and that the Conventions accepted in respect of Surinam are fully implemented.

The Committee also notes that the reports in respect of the Netherlands Antilles again 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 Constitution. It hopes that measures will be taken to comply with this constitutional provision in future and that the necessary information in this regard will be given in the reports.

New Zealand

The Committee notes that an Industrial and Labour Ordinance was adopted in the Cook Islands in 1964, and hopes that in the light of its provisions the Government will be able to give consideration to the making of further declarations of application or acceptance in respect of the Cook Islands and Niue.

Republic of South Africa

The Committee regrets to note that no report has been supplied in respect of the application of Conventions in South West Africa. It refers in this connection to the general observation concerning the Republic of South Africa in section I A above.

United Kingdom

The Committee has noted that new general labour laws have recently been enacted in Basutoland, Fiji, and the Gilbert and Ellice Islands, that extensive additions have also been made to the employment legislation of Swaziland, and that a new Act concerning the employment of children and young persons has been adopted in Bermuda. As account appears to have been taken of relevant I.L.O. standards in this legislation, the Committee hopes that it will make possible further declarations of application or acceptance of Conventions in respect of the territories concerned.

In the light of the indications given in the reports, the Government may also wish to consider the possibility of making declarations in respect of the application of Convention No. 16 for British Honduras, of Convention No. 45 for the British Solomon Islands, and of Convention No. 94 for Basutoland and St. Christopher-Nevis-Anguilla.

B. INDIVIDUAL OBSERVATIONS**Convention No. 2: Unemployment, 1919**

A request regarding certain points is being addressed directly to the *United Kingdom* (Basutoland).

* * *

Information supplied by the *Netherlands* (Netherlands Antilles) and the *United Kingdom* (Bahamas) in answer to direct requests has been noted by the Committee.

Convention No. 5: Minimum Age (Industry), 1919*Denmark**Faroe Islands.*

The Committee notes with regret that no report has been received from the Government since 1963. The Committee recalls once again that the legislation required for the application of the Convention has been under consideration since 1955. In these circumstances it must urge the Government to take steps for the adoption of the necessary legislation, if this has not yet been done.

Convention No. 6: Night Work of Young Persons (Industry), 1919*Denmark**Faroe Islands.*

The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

The Committee notes from the report 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.

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See section I, under Convention No. 6, *France*.

French Somaliland.

The Committee notes that the Government's report contains no information in reply to the observation made in 1964. The Committee is bound, therefore, to repeat its previous observation which was as follows:

The Committee regrets to note that no progress has yet been made towards limiting the exceptions to the prohibition of night work for young persons allowed under the local regulations (in respect of industries dealing with materials which are subject to rapid deterioration and in respect of industries working continuously) to those authorised under Article 2, paragraph 2, and Article 4 of the Convention (work to be carried on continuously in the five categories of industries specified in Article 2 of the Convention and cases of *force majeure*).

The Government states that in practice the above industries do not exist in the territory and that no authorisation has been granted to work at night in any of the existing industries. The Committee hopes therefore that there will be no difficulty in bringing the legislation into full conformity with the Convention as has been done in other territories, in order to exclude any possibility of employing young persons at night in circumstances contrary to the Convention.

The Committee hopes that the Government will not fail to supply, with its next report, the information referred to above.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Greenland), *France* (Comoro Islands, Martinique).

Convention No. 7: Minimum Age (Sea), 1920

United Kingdom

Hong Kong.

The Committee notes with satisfaction that following its direct request of 1963, the Employment of Young Persons and Children at Sea Ordinance has been amended so that no child under 14 years of age shall be employed on any vessel, other than a vessel upon which only members of the same family are employed (Article 2 of the Convention).

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

A request regarding certain points is being addressed directly to the *United Kingdom* (British Virgin Islands).

Convention No. 10: Minimum Age (Agriculture), 1921

Requests regarding certain points are being addressed directly to the *United Kingdom* (Dominica, Falkland Islands, Gilbert and Ellice Islands, Jersey, St. Vincent).

Information supplied by the *United Kingdom* (Grenada, Guernsey) in answer to direct requests has been noted by the Committee.

Convention No. 11: Right of Association (Agriculture), 1921

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

Convention No. 13: White Lead (Painting), 1921*Netherlands**Surinam.*

The Committee notes with regret that the report for 1964-65 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

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*Denmark**Greenland.*

The Committee recalls the Government's statement, in reply to requests made in previous years, that the report of a commission set up in 1960 to examine the political, economic and administrative conditions in Greenland was to have been submitted in 1964. The Government's report not having been received, the Committee trusts that the Government will not fail to take the necessary measures to give effect to the Convention.

Convention No. 16: Medical Examination of Young Persons (Sea), 1921*Denmark**Greenland.*

See under Convention No. 15.

Convention No. 17: Workmen's Compensation (Accidents), 1925*Netherlands**Netherlands Antilles.*

The Committee notes the information supplied by the Government in its report, from which it appears that the Bill taking account of the provisions of the Convention

referred to by the Government delegate before the Conference Committee in 1964, is now before the appropriate legislative instances. The Committee hopes that this Bill will soon have the effect of bringing legislation into complete conformity with Articles 7 and 10 of the Convention, relating respectively to additional compensation in cases of incapacity requiring the constant help of another person, and to the right to the supply and renewal of artificial limbs and appliances.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (Guernsey).

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

Netherlands

Surinam.

The Committee regrets to note that the report for 1964-65 has not been received, and it is unable therefore to determine whether any progress has been made towards the establishment of the new draft social security plan, which was to establish equality of treatment in the matter of compensation for accidents at work among workers, independently of their nationality, and to which reference was made in the Government's report for 1963-64.

Taking into account the fact that the legislation in force establishes a difference between nationals and foreigners regarding payment of compensation in the event that victims transfer their residence outside Surinam, the Committee trusts that necessary steps will be taken very shortly to bring national legislation into conformity with the Convention, if these steps have not yet been taken.

* * *

In addition, a request regarding certain other points is being addressed directly to *Denmark* (Greenland).

Convention No. 22: Seamen's Articles of Agreement, 1926

A request regarding certain other points is being addressed directly to the *United Kingdom* (Bahamas).

Information supplied by the *United Kingdom* (Dominica) in answer to a direct request has been noted by the Committee.

Convention No. 24: Sickness Insurance (Industry), 1927

Requests regarding certain other points are being addressed directly to the *United Kingdom* (Guernsey, Jersey).

Convention No. 25: Sickness Insurance (Agriculture), 1927

A request regarding certain other points is being addressed directly to the *United Kingdom* (Guernsey).

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

A request regarding certain points is being addressed directly to the *United Kingdom* (Montserrat).

Convention No. 29: Forced Labour, 1930*France**French Guiana, Guadeloupe, Martinique.*

The Committee notes the information supplied by the Government in reply to its observation of 1965 concerning the modified system of compulsory military service. In this respect it refers to the comments made in paragraphs 10 to 12 of its General Report.

*Netherlands**Surinam.*

The Committee notes with regret that the report for 1964-65 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

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.

*United Kingdom**Basutoland.*

The Committee notes with satisfaction, following its earlier requests, that the Employment Law, promulgated in 1965, contains a prohibition of forced labour, with exceptions corresponding to those laid down in Article 2, paragraph 2, of the Convention, and in particular provides for consultation with the population concerned or its direct representatives with regard to the need for the exaction of minor communal services. The Committee hopes that the Law will be brought into force at an early date.

Bechuanaland.

The Committee notes with satisfaction that the provisions of the African Administration Proclamation under which labour might be exacted for public works have been repealed by the Local Government (District Councils) Law, 1965.

Bermuda.

The Committee notes with satisfaction that, following its earlier requests, the Rules governing employment of convicted prisoners have been amended so that they may in no case be permitted to work for the benefit of private persons.

Solomon Islands.

The Committee notes with satisfaction the Government's statement, following previous direct requests, that subsections 74 (c) and (d) of the Labour Ordinance, relating to services exacted under the Native Administration Ordinance or under native law and custom, were repealed by Ordinance No. 20 of 1964.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, French Polynesia), *United Kingdom* (Basutoland, Dominica, Fiji, Jersey, Swaziland).

Information supplied by the *United Kingdom* (Gilbert and Ellice Islands, Isle of Man) in answer to direct requests has been noted by the Committee.

**Convention No. 42: Workmen's Compensation (Occupational Diseases)
(Revised), 1934**

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 42, *France*.

Netherlands

Netherlands Antilles.

Referring to the observations and requests that it has been making since 1957 on the amendment, in conformity with Article 2 of the Convention, of the list of occupational diseases established by section 25 of the 1936 Industrial Accidents Regulation, the Committee notes with interest that, according to the information supplied by the Government, the draft National Accidents Insurance Ordinance, which has just been submitted to the legislature, will give full effect to the provisions of the Convention.

The Committee hopes that this draft will shortly be adopted and that the next report will contain information on the progress achieved in this connection and, if appropriate, be accompanied by a copy of the text adopted.

Surinam.

The Committee notes with regret that the report for 1963-65 has not been received. The Committee is bound, therefore, to 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

Republic of South Africa

South West Africa.

See under Convention No. 42, *Republic of South Africa*.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Australia* (Nauru, New Guinea, Papua), *United Kingdom* (Barbados, British Honduras, Gibraltar, Guernsey, Solomon Islands).

Convention No. 50: Recruiting of Indigenous Workers, 1936

United Kingdom

British Guiana.

See under Convention No. 64.¹

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

Convention No. 53: Officers' Competency Certificates, 1936

A request regarding certain points is being addressed directly to the *United States* (Trust Territory of Pacific Islands).

**Convention No. 55: Shipowners' Liability
(Sick and Injured Seamen), 1936**

A request regarding certain points is being addressed directly to the *United States* (Eastern Samoa).

Convention No. 56: Sickness Insurance (Sea), 1936

A request regarding certain points is being addressed directly to the *United Kingdom* (Guernsey).

Information supplied by the *United Kingdom* (Jersey) in answer to a direct request has been noted by the Committee.

Convention No. 62: Safety Provisions (Building), 1937

Netherlands

Surinam.

The Committee notes with regret that the report for 1964-65 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

The Committee notes with regret the information given in the report for 1959-61 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. 63: Statistics of Wages and Hours of Work, 1938

A request regarding certain points is being addressed directly to the following State: *United Kingdom* (British Guiana).

Information supplied by the *United Kingdom* (Gibraltar) in answer to a direct request has been noted by the Committee.

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

United Kingdom

British Guiana.

The Committee notes with regret that the report for 1964-65 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

United Kingdom

Basutoland.

The Committee notes with satisfaction, following its earlier requests, that the new Employment Law, promulgated in 1965, repeals section 40 (1) of the African Labour Proclamation which laid down penal sanctions for breach of contract. It hopes that the Law will be brought into force at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Aden, Bechuanaland).

Information supplied by the *United Kingdom* (Mauritius) in answer to a direct request has been noted by the Committee.

Convention No. 69: Certification of Ships' Cooks, 1946

Netherlands

Netherlands Antilles.

The Committee takes note of the information provided by the Government at the Conference Committee in 1964 and in its latest report, in reply to its earlier requests and observations. The Committee trusts that the regulations to give effect to the provisions of the Convention, the preparation of which has been under consideration by the Government since 1957, will be adopted very shortly, and that the Government will be able to communicate a copy thereof with its next report.

* * *

In addition, a request regarding certain other points is being addressed directly to *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

Convention No. 71: Seafarers' Pensions, 1946

Information supplied by *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion) 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 50th Session and to report in detail for the period ending 30 June 1966.

Convention No. 81: Labour Inspection, 1947*Netherlands**Netherlands Antilles.*

Article 12, paragraph 1 (c), of the Convention. In reply to the observations that the Committee has been making for some years, a Government representative stated at the Conference in 1965 that the amendments to the National Decree of 1958 (which were to empower the inspectors to carry out the various tests or inquiries covered by this paragraph of the Convention) were in the final stage of preparation. The government report, however, gives no information on any progress achieved in this connection, and confines itself to stating that the officials of the labour inspectorate have full powers to carry out investigations relating to the labour legislation. Since there is no provision to this effect in the 1952 Labour Regulations or the 1958 Safety Decree, the Committee trusts that the new legislation in question will be adopted in the near future.

Article 15 (a). Following its earlier requests, the Committee regrets to note that the Government has not communicated the text of the instructions given to the labour inspectors concerning the prohibition from having any interest in the undertakings under their supervision. It hopes that this text will be communicated with the next report.

Surinam.

For ten years the Committee has been making observations concerning the application of essential provisions of this Convention, which the Government has neither replied to nor acted upon in a satisfactory manner. Since, furthermore, no report for 1963-65 has been received, the Committee can only repeat the substance of its earlier observations, which concerned the following points:

The Government acknowledged in its report for 1958-59 that no statutory provisions existed with respect to the activities of the labour inspection service and that new legislation was to be enacted to ensure that it functioned efficiently in conformity with the Convention. This promise was reaffirmed by a Government representative before the Conference Committee in 1960.

The Government also stated in 1962 that a Bill respecting the status of civil servants, which was intended to give effect to the provisions of Article 6 of the Convention, had been tabled before Parliament on 7 May 1960, and that it was further proposed that qualified experts and technicians should co-operate in the work of inspection.

Since no legislation of this kind appears to have been enacted since that date, the Committee urges the Government to adopt measures to give full effect to Articles 7, 8, 9, 12 and 13 of the Convention.

Finally, the Committee has noted that the last report on inspection received by the International Labour Office covers the year 1955. It recalls that Article 20 of the Convention calls for the publication—not more than 12 months after the end of the year to which it relates—of a general report on the work of the inspection services, and its transmission to the I.L.O. within three months of its publication.

The Committee trusts that the Government will do everything possible to take the necessary action without further delay.¹

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

*United Kingdom**Grenada.*

Article 15 (a) of the Convention. The Government states in reply to the observation made in 1964 that work on the Labour Code is in progress and it is hoped that it will be completed within the next few months. Since this enactment is intended, *inter alia*, to give effect to this provision of the Convention, the Committee hopes that it will be adopted shortly and that a copy will be appended to the Government's next report.

Furthermore, the Committee notes with regret that the Factories Ordinance of 1958 still has not come into force as the visit of an inspector from the United Kingdom to train the staff necessary for the enforcement of this Ordinance is awaited. The Committee trusts that the necessary action will be taken in the near future.

Hong Kong.

Article 14 of the Convention. Referring to its previous comments, the Committee takes note with satisfaction of the Workmen's Compensation (Amendment) Ordinance, No. 19, dated 4 June 1964, and of the regulations issued thereunder, which provide that occupational diseases shall be notified to the labour inspection service in the same way as industrial accidents. The Committee also takes note with interest of the intention of the Government to eliminate, in consequence of this new legislation, the modifications with which the Convention has been declared applicable to the territory.

Mauritius.

Following its previous requests, the Committee notes with satisfaction that section 21, paragraph 2, of the Employment and Labour Ordinance, as amended by Ordinance No. 25 of 1965, empowers inspectors to take samples of materials and substances used in the undertaking, and so gives effect to Article 12, paragraph 1 (c) (iv), of the Convention.

Solomon Islands.

As the Convention has been declared applicable in 1963, the Committee notes with satisfaction that Ordinance No. 20 of 1964 to amend the Labour Ordinance (Cap. 28) includes provisions giving effect to Article 12 (a), (b) and (c) (i) and Article 15 of the Convention.

Southern Rhodesia.

Following its previous observations, the Committee notes with satisfaction that the Factories and Works Amendment Act, 1965, empowers inspectors to take samples, in accordance with Article 12, paragraph 1 (c) (iv), of the Convention, and that the report of the Secretary for Labour and Social Welfare for 1964 contains information on all the matters mentioned in Article 21.

The Committee also notes the Government's statement that, when the African Labour Regulations Act is next amended, the provisions of section 27 (b) and (d)—under which the duties of inspectors of native labourers include inquiries into "all breaches of discipline and other minor contraventions of regulations by any native labourers" and the arrest of natives "reasonably suspected of contravening any regulation"—will be reviewed. As the Committee has indicated in previous observations, these provisions are incompatible with Article 3 of the Convention. It accordingly hopes that they will be formally repealed at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (French Guiana); *Netherlands* (Netherlands Antilles); *United Kingdom* (Antigua, British Guiana, British Honduras, Guernsey, Jersey, St. Vincent, Solomon Islands).

Information supplied by the *United Kingdom* (Isle of Man) in answer to a direct request has been noted by the Committee.

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947

United Kingdom

Aden.

The Committee notes the information supplied in reply to the observation it made in 1964 with respect to Article 19, paragraphs 2 and 3, of the Convention. The Committee regrets to observe from the Government's statement that, despite the efforts made to encourage school attendance in the primary and intermediate grades, new difficulties (the growth in the population of school age and the shortage of schools and teachers) make it increasingly difficult to prescribe a school-leaving age.

The Committee trusts that the efforts made in this respect will be pursued towards a fuller application of the provisions of this Article, and that information will continue to be supplied in future reports on the progress made to this end.

Antigua.

The Committee notes the Government's statement that the legal position is being reconsidered as regards the application of Article 16 of the Convention (advances on wages) in the light of the Committee's observations on this point. Since the Committee has been making these observations since 1958, it trusts that measures to give effect to this Article of the Convention will be adopted in the near future.

Bahamas.

Article 15, paragraph 1, of the Convention. In reply to the comments that the Committee has been making since 1959, the Government has stated successively that instructions have been given to the employers to keep registers of wage payments and to issue to workers statements of wage payments, that these instructions apply only to undertakings to which minimum wage orders are applicable, and finally that such orders have not been issued. The Committee therefore asks the Government to take the necessary measures, as it contemplates doing according to the information contained in the report, to require all employers to keep registers and issue statements of wage payments.

Article 15, paragraphs 3 and 5. The Committee takes note of the Bill to amend the Truck Act and so to bring the legislation into conformity with the Convention on this point. It hopes that this text will shortly be adopted.

Article 19, paragraph 2. The Committee also notes the statement by the Government that a Bill at present before the Assembly is to amend the Employment of Children Prohibition Act, and so bring it into conformity with the Convention. Since the Committee has been raising this question since 1958, it trusts that this text will shortly be adopted.

Barbados.

Article 19, paragraphs 2 and 3, of the Convention. Following its earlier observations, the Committee notes with interest that in October 1965 a scheme was adopted for the introduction of compulsory school attendance for children aged from 5 to

12 years inclusive, and that the officers responsible for supervising attendance at school are already appointed, but that owing to certain difficulties in application the scheme would come into force only in successive stages. In view of these measures the Committee hopes that it will be possible shortly to introduce legislation formally prohibiting the employment during school hours of children of school age.

Finally, the Committee notes that the Government is giving consideration to prescribing a minimum age for employment in occupations which fall outside the scope of the Employment of Women, Young Persons and Children Act of 1938.

Bechuanaland.

Article 18 of the Convention. The Committee notes with interest from the information supplied in a supplementary report that the legislation to prevent racially discriminatory practices has been enacted and that a copy will be forwarded to the International Labour Office. It appears, however, from the report, that this legislation has not yet come into force. The Committee requests the Government to supply in its next report full particulars on the measures taken to effectively implement the above legislation in accordance with this Article of the Convention.

Bermuda.

Article 19, paragraph 2, of the Convention. Following its previous observations, the Committee takes note with satisfaction of Act No. 181 of 14 August 1965 to amend the Education Act, which provides among other things for compulsory school attendance for all children who have attained the age of 5 years and not attained the age of 14 years. The Committee also notes with interest that the Employment of Children and Young Persons Act, 1963, No. 213, prohibits the employment of children under 13 and the employment during school hours of children of compulsory school age.

Fiji.

The Committee takes note with interest of sections 50, 51 and 52 of the Employment Ordinance, 1964, relating to the payment of wages, the subject of Article 15 of the Convention, which had been excluded from the declaration of application.

Gibraltar.

The Government states in reply to the 1965 observation that it is proposed to include in the Regulation of Wages and Conditions of Employment Ordinance provisions prohibiting the partial payment of wages in forms incompatible with Article 15 of the Convention, and making it compulsory for employers to furnish employees with statements of wages.

Since the Government has already for some years been expressing its intention of adopting legislation on this point, the Committee trusts that appropriate measures will be taken in the near future.

Mauritius.

Following its previous requests, the Committee takes note with satisfaction of sections 56A and 56B of the Employment and Labour Ordinance, as amended by Ordinance No. 25 of 1965, giving effect to Article 16 of the Convention, which relates to advances of wages.

The Committee also notes the progress achieved in the development of primary education. It hopes that the Government will shortly be able to fix a minimum school-leaving age, and to prohibit the employment of children below the school-leaving age during the hours when the schools are in session (Article 19 of the Convention).

St. Christopher-Nevis-Anguilla.

Article 16 of the Convention. The Committee notes that, in reply to the direct request of 1965, the Government states that consideration is being given to the adoption of new legislation to regulate the maximum amounts and manner of repayment of advances on wages, but that the question cannot receive priority, particularly since this Article of the Convention is already applied in practice.

As the Committee has raised the matter since 1958, it firmly hopes that the necessary legislation will be adopted at an early date.

St. Lucia.

Following its earlier requests, the Committee has learnt with satisfaction of the Protection of Wages Ordinance, 1965, which refers, *inter alia*, to advances on wages (Article 16 of the Convention).

Southern Rhodesia.

The Committee notes, from the information supplied in answer to its previous observations, that the General Employment Bill—which was to provide for wage statements in accordance with Article 15, paragraph 1, of the Convention, and to replace existing racially discriminatory labour legislation by provisions applicable without distinction of race, in accordance with Article 18—is still under consideration.

The Committee also notes the statement contained in the report that, although the policy for African education is universal basic literacy, the time is not yet considered appropriate for prescribing a minimum school-leaving age for Africans, in accordance with Article 19 of the Convention.

The Committee hopes that measures to implement the above-mentioned provisions of the Convention will be taken at an early date.

* * *

In addition, requests regarding certain other points are addressed directly to the following States: *France* (Comoro Islands, French Somaliland), *United Kingdom* (Basutoland, Bechuanaland, British Guiana, British Virgin Islands, Seychelles).

The Committee has noted the information supplied by the *United Kingdom* (Dominica) in reply to a direct request.

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947*United Kingdom**Southern Rhodesia.*

The Committee regrets to note that no measures have been taken or appear to be contemplated to extend the Industrial Conciliation Act, 1959, to agricultural workers and domestic servants. It must therefore repeat its earlier observation that the exclusion of these workers from the Act is contrary to the Convention, which requires the right to associate for all lawful purposes to be guaranteed to all employed persons.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947*United Kingdom**Bahamas.*

Following its previous observations, the Committee takes note with satisfaction of Act No. 13 dated 31 March 1965, to amend the Trade Union and Industrial Con-

ciliation Act and of the 1965 regulations issued in pursuance of it, texts adopted to give effect to the provisions of the Convention that relate to the powers and duties of labour inspectors. The Committee would be grateful if the Government would state in its next report whether these texts have come into force.

St. Christopher-Nevis-Anguilla.

The Committee takes note with interest of the detailed report by the Government and particularly of the fact that the 1955 Factories Ordinance, which came into force on 21 October 1961, applies Articles 4 and 5 of the Convention more fully in regard to factory inspection.

The Committee notes, however, that no progress has been made since 1960 in the adoption of a text to amend the Labour Ordinance. Since this text is to permit the transfer to labour officials of certain inspection duties at present carried out by police officers, the Committee hopes that, in accordance with the instructions of the Minister of Labour, to which the Government refers in its report, this text will receive priority in examination and will be shortly adopted.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Aden, Montserrat, Saint Helena, Saint Lucia).

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947

United Kingdom

British Guiana.

See under Convention No. 64.¹

Southern Rhodesia.

The Committee notes with satisfaction that, following the observations made by it over a number of years, maximum periods of contracts of employment corresponding to those provided for in the Convention have been fixed by the Masters and Servants Amendment Act, 1965.

The Committee notes that, under section 8 (3) of the Masters and Servants Act, as amended by the Act of 1965, the Minister is empowered to certify, for the purpose of determining which of the prescribed maximum periods is to apply, whether or not employment involves a long and expensive journey. The Committee trusts that, in exercising this power, full account will be taken of the requirements of the Convention.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

Requests regarding certain points are being addressed directly to the following States: *Denmark* (Faroe Islands), *United Kingdom* (Basutoland).

Convention No. 88: Employment Service, 1948

Netherlands

Netherlands Antilles.

In reply to the observation of 1964 the Government states that the advisory committees envisaged in Article 4 of the Convention have not yet been established

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

but are being prepared. As the Government had already indicated in 1961 that it intended to set up these committees, the Committee trusts that the necessary measures will be taken without further delay. The Committee hopes that the next report will also supply detailed information on the effect given to the other Articles of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (British Guiana, British Honduras).

Information supplied by the *United Kingdom* (Gibraltar, Mauritius) in answer to direct requests has been noted by the Committee.

Convention No. 89: Night Work (Women) (Revised), 1948

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See section I, under Convention No. 6, *France*.

Republic of South Africa

South West Africa.

The Committee notes with regret that the report for 1963-65 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.

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.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Netherlands

Netherlands Antilles.

Further to its previous observations, the Committee takes due note of the statement in the Government's report that night work by young persons under 18 years is not permitted even in the circumstances envisaged in Article 4, paragraph 2 (exceptions in case of emergencies) and Article 5 of the Convention (suspension of the prohibition of night work when in case of serious emergency the public interest demands it).

Convention No. 94: Labour Clauses (Public Contracts), 1949

Netherlands

Surinam.

The Committee notes with regret that the report for 1963-65 has not been received. Recalling that observations have been made repeatedly since 1956 concerning the

absence of appropriate labour clauses in public contracts, the Committee can only urge the Government once more to take the necessary action without further delay.¹

United Kingdom

Bahamas.

Following its earlier comments, the Committee notes with satisfaction that administrative instructions were issued on 26 October 1965 and 19 January 1966 requiring the insertion of labour clauses in all categories of public contracts specified in Article 1, paragraph 1 (c), of the Convention and the inclusion in these clauses of a requirement for the posting of wage rates and of the conditions of work in accordance with Article 4 (a) (iii). It also notes with interest that labour inspectors have been specifically instructed to pay attention to conditions regarding workers' safety, health and welfare.

Mauritius.

The Committee notes with satisfaction that, following its earlier comments, the Labour Clauses in Public Contracts Ordinance, 1964, provides for the application of appropriate labour clauses to all contracts mentioned in Article 1, paragraph 1, of the Convention, and that provision is now also made in public contracts for the display of copies of the labour clauses by the contractor, in accordance with Article 4, paragraph (a) (iii), of the Convention.

St. Lucia.

The Committee notes with satisfaction that, following its earlier comments, the Labour Clauses (Public Contracts) Rules were amended in 1965 to provide for the posting of notices in accordance with Article 4, paragraph (a) (iii), of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas, Barbados, British Virgin Islands, Dominica, Grenada, Saint Vincent, Solomon Islands).

Information supplied by the *United Kingdom* (Bermuda) in answer to a direct request has been noted by the Committee.

Convention No. 95: Protection of Wages, 1949

Netherlands

Surinam.

The Committee notes with regret that no report has been supplied for 1964-65, and that no information is therefore available on the application of Articles 2, 4 (paragraph 2 (b)), 7 and 15 (d) of the Convention, in respect of which the Committee has been making comments since 1958. The Committee is once more addressing a direct request to the Government on these matters, and it trusts that the necessary action will be taken without further delay.

¹ The Government is asked to supply full particulars to the Conference at its 50th Session and to report in detail for the period ending 30 June 1966.

*United Kingdom**Dominica.*

The Committee notes with satisfaction from the Government's latest report that the Protection of Wages Ordinance, 1961, has given statutory effect to most of the provisions of the Convention.

Grenada.

The Committee notes the Government's statement, in answer to its previous observations, that legislation for the protection of wages is in the final stages of preparation. The Committee trusts that this legislation will ensure the full application of the Convention and will be enacted at an early date, and also that the next report will give full information on the provisions adopted.

Solomon Islands.

The Committee notes with satisfaction that, following its earlier direct requests, the Labour Ordinance was amended by Ordinance No. 20 of 1964 so as to bring apprentices within its scope (Article 2 of the Convention).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (French Guiana), *Netherlands* (Surinam), *United Kingdom* (Aden, Bahamas, Barbados, British Guiana, Dominica, Gibraltar, Jersey, Montserrat, St. Lucia, St. Vincent, Solomon Islands).

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949*Netherlands**Surinam.*

Further to its previous observations the Committee notes with satisfaction from the report for 1962-64 that Decree No. 70 of 1964 concerning placement in employment prohibits private employment agencies conducted for profit (Article 3) and regulates agencies not conducted for profit (Article 6 of the Convention). However, as the above report does not contain any information on the practical application of the Convention, and as the report for 1964-65 has not been received, the Committee hopes that the Government will supply with its next report detailed information on the practical application of the Convention, including in particular its Article 7 (steps taken by the competent authority to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously).

Convention No. 97: Migration for Employment (Revised), 1949

Information supplied by the *United Kingdom* (Dominica, Grenada) in answer to direct requests has been noted by the Committee.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

Convention No. 101: Holidays with Pay (Agriculture), 1952*United Kingdom**British Honduras.*

Further to its previous requests regarding Article 5 (b) of the Convention, the Committee notes with satisfaction that the Government Workers' Rules of 1964 provide, *inter alia*, for extended holidays in the case of long service government workers on agricultural stations.

St. Lucia.

Following its earlier requests, the Committee notes with satisfaction that the Holidays with Pay Ordinance, 1965, provides, *inter alia*, that temporary interruptions of attendance at work owing to sickness or accident are excluded from the period of annual leave (Article 5 (d) of the Convention).

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Antigua, St. Vincent).

Information supplied by the *United Kingdom* (Isle of Man) in answer to a direct request has been noted by the Committee.

Convention No. 105: Abolition of Forced Labour, 1957*United Kingdom**Bahamas.*

The Committee notes with satisfaction that, following its earlier requests, section 16 (2) of the Contracts of Service Act, containing a penal clause for breach of contract by apprentices, has been repealed by Act No. 74 of 1965.

Basutoland.

Article 1 (c) of the Convention. See under Convention No. 65.

Bechuanaland.

See under Convention No. 29.

Solomon Islands.

See under Convention No. 29.

Southern Rhodesia.

In observations made in 1964 and 1965, following upon direct requests made in 1961 and 1963, the Committee had pointed out the existence of important discrepancies between the legislation of Southern Rhodesia and the provisions of the Convention. The Committee regrets to note that no report has been supplied for the period ending 30 June 1965. In these circumstances, the Committee can only restate the position as previously noted by it.

Article 1 (a) of the Convention. The Committee had noted that, under the Law and Order (Maintenance) Act, the African Affairs Act and the Unlawful Organisations Act, the authorities enjoyed wide discretionary powers:

(a) to prohibit any publication, series of publications or all publications by particular persons or associations;

(b) to restrict not only public, but also private meetings and gatherings and to prohibit individual persons from attending or addressing meetings or gatherings;

(c) to issue orders to particular persons to restrict their movement and to control the entry of persons into reserves or other tribal areas; and

(d) to declare organisations unlawful, subject to widely defined penal provisions.

The Committee had also noted that the Law and Order (Maintenance) Act contained an extensive definition of "subversive statement", differing materially from the standard definition in the sedition laws of other United Kingdom territories, which might lend itself to application to punish the expression of views.

The Committee had noted that contravention of all the above-mentioned provisions was punishable by imprisonment, involving an obligation to perform labour, and that these provisions might accordingly lead to the imposition of forced or compulsory labour as a means of political coercion or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system, contrary to Article 1 (a) of the Convention.

According to explanations provided in the report for 1963-64, the position of the Government of Southern Rhodesia was that the above-mentioned provisions were justified by considerations of public security and that, whatever the possibilities of abuse, they were in fact applied justly and in accordance with the spirit and letter of the Convention. The Committee felt nevertheless bound to maintain its previous comments, and observed in 1965 that the difficulties in ensuring the application of the Convention in Southern Rhodesia appeared 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 was enforced involved an obligation to perform labour.

In direct requests, the Committee had also asked for information on the practical application of various provisions of the Law and Order (Maintenance) Act, the Unlawful Organisations Act, the Preservation of Constitutional Government Act, and the Foreign Subversive Organisations Act. In the absence of any report, this information has not been made available.

Article 1 (b), (c) and (e). With regard to the following matters, although it had been indicated in earlier reports that the repeal of the provisions concerned or other appropriate action was contemplated, it would appear that no such action has been taken:

(a) under the African Land Husbandry Act and the African Affairs Act, Africans may be called up for the conservation of natural resources or the promotion of good husbandry (Article 1 (b) and (e));

(b) various breaches of contracts or discipline by employees are punishable with imprisonment (involving an obligation to perform labour) under the African Labour Regulations Act, the Masters and Servants Act and the Africans (Registration and Identification) Act (Article 1 (c));

(c) provisions concerning registration, identification, control of movement, etc., contained in the Africans (Registration and Identification) Act and the African Affairs Act, permit the imposition of penalties involving an obligation to perform labour in respect of one group of the population defined in terms of race (Article 1 (e)).

The Committee had also asked, in direct requests, for information on the practical application of the Vagrancy Act, the regulations concerning prison labour, the

requisitioning of labour under the Emergency Powers Act, and compulsory labour by Africans under the African Affairs Act. In the absence of any report, this information has not been made available.

The Committee expresses the hope that it will be possible at an early date to take the necessary measures to bring the legislation in force in Southern Rhodesia into conformity with the Convention.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Faroe Islands), *Netherlands* (Surinam), *United Kingdom* (Aden, Antigua, Bahamas, Bechuanaland, Bermuda, British Virgin Islands, Gilbert and Ellice Islands, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, Seychelles, Solomon Islands, Swaziland).

Information supplied by the *United Kingdom* (Isle of Man, St. Helena) 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).

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the *United Kingdom* (Bermuda, British Honduras, Jersey).

¹ The Government is asked to report in detail for the period ending 30 June 1966.

**Appendix. Detailed Reports Received and Detailed Reports Not Received
by 25 March 1966**

(Non-Metropolitan Territories)

Reports expected: 1,454. Reports received: 1,313. Reports not received: 141.

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 1965 are printed in *italic type*.

The territories enumerated below are listed without prejudice to any questions of a political character, regarding which the Committee is not competent to express an opinion.

(Articles 22 and 35 of the Constitution)

Countries and territories	Reports received †		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Australia	52		0		
Nauru	13	10, 12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105.	0	—	5
New Guinea	13	10, 12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105.	0	—	1,539
Norfolk Island	13	10, 12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105.	0	—	1
Papua	13	10, 12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105.	0	—	562
Denmark	0		62		
Faroe	0	—	31	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 42, 52, 53, 58, 63, 81, 87, 92, 94, 98, 100, 102, 105, 106, 111, 112.	36
Greenland	0	—	31	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 42, 52, 53, 58, 63, 81, 87, 92, 94, 98, 100, 102, 105, 106, 111, 112.	37
France	330		0		

† For footnotes see end of table, p. 157.

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Overseas Departments :					
French Guiana	36	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77*, 78*, 81*, 82, 88, 89, 92, 94, 95, 96, 101.			36
Guadeloupe	36	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77*, 78*, 81*, 82, 88, 89, 92, 94, 95, 96, 101.	0	—	306
Martinique	36	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77*, 78*, 81*, 82, 88, 89, 92, 94, 95, 96, 101.	0	—	310
Réunion	36	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77*, 78*, 81*, 82, 88, 89, 92, 94, 95, 96, 101.	0	—	382
Overseas Territories :					
Comoro Islands	38	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29*, 42, 43, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77*, 78*, 81*, 82, 85, 88, 89, 92, 94, 95, 96, 101.	0	—	190
French Polynesia	37	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77*, 78*, 81*, 82, 85, 88, 89, 92, 94, 95, 96, 101.	0	—	81
French Somaliland	37	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81*, 82, 85, 88, 89, 92, 94, 95, 96, 101.	0	—	80
New Caledonia	37	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77*, 78*, 81*, 82, 85, 88, 89, 92, 94, 95, 96, 101.	0	—	89

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Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
St. Pierre and Miquelon *	37	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101.	0	—	5
Netherlands	27		41		
Netherlands Antilles . .	27	2, 10, 12, 13, 17, 19, 22, 23, 29, 42, 45, 48, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105.	1	16	205
Surinam	0	—	40	2, 8, 9, 10, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 29, 33, 42, 45, 48, 58, 62, 63, 68, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 97, 99, 101, 102, 105.	345
New Zealand	42		0		
Cook Islands and Niue .	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104.	0	—	25
Tokelau Island	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104.	0	—	2
Republic of South Africa *	0		7		
South West Africa . . .	0	—	7	2, 19, 26, 42, 45, 63, 89.	545
United Kingdom	847		31		
Aden	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82*, 85, 88, 92, 94, 95*, 101, 105*, 115*.	0	—	225
Antigua	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81*, 82*, 87*, 88, 92, 94, 95, 101, 105, 115.	0	—	61
Bahamas	29	2, 10, 12, 16, 17*, 19, 22*, 24, 25, 26*, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82*, 85*, 88, 92, 94*, 95*, 101, 105*, 115.	0	—	131

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Barbados	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63*, 65, 69, 74*, 81, 82*, 88, 92, 94, 95, 101, 105, 115*.	0	—	242
Basutoland ²	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82*, 85, 87, 88, 92, 94, 95, 101, 105, 115.	0	—	729
Bechuanaland ²	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42*, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94*, 95*, 101, 105, 115.	0	—	548
Bermuda	30	2, 5, 7, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115.	0	—	48
British Guiana	24	10, 12, 16, 17, 19, 22, 24, 25, 29, 44, 45, 56, 63, 65, 69, 74, 81, 82, 92, 94, 95, 101, 105, 115.	6	2, 42, 50, 64, 86, 88.	628
British Honduras	28	2, 8, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115.	0	—	103
British Virgin Islands . . .	21	2, 16, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 85, 88, 92, 95, 101.	14	7, 8, 10, 11, 12, 17, 26, 82, 84, 87, 94, 98, 105, 115.	8
Brunei *	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115.	0	—	93
Dominica	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 97, 101, 105, 115.	0	—	63
Falkland Islands	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 32*, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115.	0	—	2

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Fiji	29	2, 7, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 87, 88, 92, 94, 95, 101, 105.	1	115.	449
Gibraltar	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115.	0	—	24
Gilbert and Ellice Islands	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63*, 65, 69, 74, 81, 82, 84*, 85, 88, 92, 94, 95, 101, 105, 115.	0	—	50
Grenada	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81*, 82, 88, 92, 94*, 95*, 101, 105, 115.	0	—	92
Guernsey	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115.	0	—	42
Hong Kong	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88*, 92, 94, 95, 101, 105, 115.	0	—	3,692
Jersey	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115.	0	—	58
Isle of Man	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115.	0	—	48
Mauritius	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105*, 115.	0	—	780
Montserrat	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 26*, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115.	0	—	13

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
St. Christopher- Nevis-Anguilla	28	2, 10, 12, 16, 17, 19, 22*, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101*, 105, 115.	0	—	61
St. Helena	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115.	0	—	5
St. Lucia	28	2, 10, 12, 16, 17, 19*, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82*, 85, 88, 92, 94, 95, 101, 105, 115.	0	—	94
St. Vincent	22	2*, 10, 12*, 16*, 17*, 19*, 22*, 24*, 25*, 29*, 42*, 44*, 45*, 56*, 65*, 81*, 82*, 88*, 94*, 95*, 101*, 115.	5	63, 69, 74, 92, 105.	84
Seychelles	25	2*, 12, 16, 17, 19, 22*, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 85, 88, 92, 94, 95, 101, 105.	4	10, 82, 87, 115.	45
Solomon Islands	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115.	0	—	133
Southern Rhodesia ³ . . .	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 84, 86, 88, 92, 94, 95, 101, 115.	1	105.	4,140
Swaziland ³	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29*, 42*, 44, 45, 56, 63, 65, 69, 74, 81, 82*, 85*, 88, 92, 94*, 95*, 101, 105*, 115*.	0	—	285
United States of America .	15		0		
American Samoa	3	53, 55, 74.	0	—	19
Guam	3	53, 55, 74.	0	—	66
Puerto Rico	3	53, 55, 74.	0	—	2,513
Trust Territory of Pacific Islands	3	53, 55, 74.	0	—	85
Virgin Islands	3	53, 55, 74.	0	—	35

* Reports received too late to be summarised in Report III (Part I). ¹ Source: United Nations: *Demographic Year Book*, 1964. ² By letter of 11 March 1964, the Republic of South Africa gave notice of its intention to withdraw from membership of the I.L.O. (see article 1 (5) of the Constitution). ³ 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

The Committee notes with regret that the Government has not supplied any information with respect to its observations made in 1964 and 1965. The Committee is therefore bound once more to refer to its previous comments concerning the nature of the competent authority to which Conventions and Recommendations should be submitted and the information to be supplied.

Bolivia

The Committee notes the information supplied by the Government indicating that due to lack of time the examination of the instruments by Congress has not been possible, but that efforts to this effect would be made when the next session starts. The Committee once more expresses the hope that the Government will soon find it possible to supply full information on the submission to the competent authorities of the instruments listed in the last column of the table in Appendix I to this section, i.e. all the instruments adopted by the Conference since its 31st Session (1948) (except Conventions Nos. 87, 96, 107 and 116 which have been ratified).

Bulgaria

In the absence of new information, the Committee expresses the hope that the Government, which states that the Conventions and Recommendations were brought before the Presidium of the National Assembly, will deem it possible to communicate them also to the National Assembly itself.

Burma

With reference to the observations made in 1964 and 1965, the Committee notes once again with regret that the Government has not supplied any information since 1961 when it indicated 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 studying the effect to be given to the Conventions and Recommendations in question. The Committee trusts that the Government will indicate without further delay whether the instruments adopted from the 44th to the 48th Sessions of the Conference have also been submitted to the competent authority, and will supply information on the proposals or comments made on the effect to be given to the various instruments.

Byelorussia

With reference to the statement made by a Government representative to the Conference Committee in 1965, the Committee expresses the hope that the Government, which stated that the Conventions and Recommendations were brought before

the Presidium of the Supreme Soviet, will deem it possible to communicate them also to the Supreme Soviet itself.

Further, the Committee, repeating its previous comments, trusts that the Government will soon take the necessary steps with a view to supplying the information and the documents called for in the Memorandum adopted by the Governing Body in this connection.

China

The Committee notes the information supplied by the Government to the Conference Committee in 1965 indicating that all the Recommendations have been submitted and that measures have been taken to submit to the Legislative Yuen the Conventions in question. The Committee hopes that the Government will indicate whether all the instruments mentioned in the last column of the table in Appendix I of this section have in fact been submitted to the Legislative Yuen and supply all information and the documents requested in this connection in the Memorandum adopted by the Governing Body.

Cuba

The Committee notes with interest that several instruments adopted by the Conference have been submitted to the competent authorities. The Committee would be grateful if the Government would indicate whether the remaining instruments listed in the last column of the table of Appendix I of this section have since been submitted to the competent authorities, and would supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Dahomey

The Committee noted the statement made by the Government representative to the Conference Committee in 1965 indicating that measures were being taken for the submission of Conventions and Recommendations to the competent authorities. The Committee hopes that the Government will soon be able to indicate whether the instruments adopted by the Conference since its 45th Session have finally been submitted to the competent authorities and will supply full information in this regard.

Ecuador

The Committee notes the statement made by a Government representative to the Conference Committee in 1965 indicating that Conventions were submitted to Congress, although they were not always approved by it. The Committee draws the Government's attention to the importance of the obligation incumbent upon all member States, in virtue of article 19 of the Constitution of the I.L.O., to submit Conventions as well as Recommendations in all cases to the competent authorities, whether or not their approval is proposed. The Committee hopes that the Government will soon indicate what measures it has taken to discharge its obligation in regard to the instruments listed in the last column of the table in Appendix I of this section and supply all the information and documents requested in the Memorandum adopted by the Governing Body in this connection.

Ethiopia

The Committee notes from the statement made by a Government representative to the Conference Committee in 1965 as well as from the information supplied by the

Government that the instruments adopted from the 41st to the 48th Sessions of the Conference had been submitted to the Council of Ministers but not to Parliament. The Committee recalls that one of the main purposes of the procedure laid down in article 19 of the Constitution of the I.L.O. is to inform public opinion in States Members by means of the submission of all Conventions and Recommendations (whatever action it is intended to take) to the legislative bodies as defined by the National Constitution of each State. The Committee therefore expresses the hope that the Government will soon be able to submit the instruments also to the Deliberative Chambers of the Empire (Parliament). Finally, it hopes that the Government will indicate whether all the Conventions and Recommendations listed in the last column of the table of Appendix I of this section have been submitted to the competent authorities.

France

The Committee notes the indication given by a Government representative to the Conference Committee in 1965 recalling that all the instruments adopted by the Conference were submitted to the competent committee of the National Assembly and that studies were made in the ministries with a view to determining the measures which might be appropriate to give effect to these instruments. The Committee notes, however, that the Government did not communicate, as already pointed out in 1964 and 1965, all 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 submitted to the competent authority in respect of Conventions and Recommendations. The Committee trusts that the Government will take the necessary steps to supply all the information and documents in question.

Greece

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1965, indicating that the formerly existing procedural difficulties regarding submission to the competent authorities of the instruments adopted by the Conference have now been overcome, and that the instruments adopted at the 47th Session of the Conference have in fact been submitted to Parliament. It further notes that the Government hopes to proceed in the near future to submit to Parliament all the other instruments not yet submitted to the competent authorities. The Committee hopes that the Government will soon be able to supply full information in this respect as requested in the Memorandum adopted by the Governing Body in this connection.

Guatemala

The Committee notes the statement made by a Government representative at the Conference Committee in 1965, indicating that all the instruments adopted by the Conference had in fact been submitted to the competent authorities. It notes in this respect that the instruments adopted at the 48th Session of the Conference have been communicated only to the departments concerned, but it does not appear that these were submitted to the competent legislative authority. The Committee would be grateful if the Government would indicate whether the numerous instruments listed in the last column of the table to Appendix I of this section have been submitted to the legislative authority, and supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Guinea

The Committee noted the statement made by a Government representative to the Conference Committee in 1965, indicating that the delay regarding the submission to the competent authorities of the instruments adopted by the Conference was due to administrative difficulties, but that measures were being taken to remedy this situation. The Committee further notes with interest the information supplied by the Government that the instruments adopted at the 48th Session of the Conference have been submitted to the National Assembly. The Committee hopes that the Government will soon be able to indicate whether Recommendation No. 112 adopted at the 43rd Session as well as all the instruments adopted at the 44th to 47th Sessions of the Conference have now been submitted to the competent authorities, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Haiti

The Committee once more notes with regret that despite its repeated observations, the Government indicates merely that the instruments adopted at the 48th Session of 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 in this connection. It once more reminds the Government that the authorities to which instruments should be submitted are those which are vested with the power to legislate, that is, the National Assembly. The Committee trusts that the Government will soon take appropriate measures with a view to submitting to the National Assembly the numerous instruments listed in the last column of the table in Appendix I to this section, and that it will supply all the information requested in this regard.

Honduras

No information having been received from the Government, the Committee is bound to repeat its previous observation which was as follows:

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.

The Committee trusts that the Government will do everything possible to supply the information requested. Please also indicate whether the instruments adopted at the 48th Session of the Conference have been submitted to the competent authorities.

Hungary

The Committee notes the information supplied by the Government indicating that the Conventions and Recommendations adopted at the 47th and 48th Sessions of the Conference have been submitted to the Presidential Council. In this regard, the Committee expresses the hope that the Government will also find it possible to communicate the instruments adopted by the Conference to the National Assembly.

The Committee notes with regret that, in spite of previous requests addressed to it on several occasions, the Government fails to supply the information and the docu-

ments called for in the Memorandum adopted by the Governing Body in this connection, and in particular the information concerning proposals and comments 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 the documents in question.

Iceland

The Committee notes with regret that the Government has supplied no information in reply to its requests made in 1964 and 1965. The Committee once more requests the Government to indicate whether the instruments adopted at the 46th and 47th Sessions, as well as those adopted at the 48th Session of the Conference, have been submitted to the competent authorities and to supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Iraq

The Committee notes with interest the information supplied by the Government regarding the new procedures established for the examination, with a view to their submission to the competent authorities, of the instruments adopted by the Conference. The Committee further notes the statement communicated by the Government to the Conference Committee in 1965 indicating that a number of instruments will be submitted shortly to the competent authorities for ratification or other action. The Committee deems it useful to recall, in this connection, that the authorities to which the instruments should be ultimately submitted are those which are vested with the power to legislate. The Committee hopes that the Government will soon be able to indicate whether the instruments listed in the last column of the table in Appendix I of this section have been submitted to the competent authorities, and to supply full information and the documents called for in this connection by the Memorandum adopted by the Governing Body.

Jordan

The Committee notes the statement made by a Government representative, indicating that the Conventions and the Recommendations 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 further notes the information supplied by the Government that the instruments adopted at the 48th Session (other than Convention No. 120, which has already been ratified) will be put to the Council of Ministers after translation and study. The Committee once more draws the Government's attention to the fact that the authorities to which the instruments adopted by the Conference should be submitted are those which are vested with the power to legislate. The Committee trusts that the Government will take the necessary measures to submit to the legislative body the instruments adopted at the 48th Session of the Conference, and to supply in respect of the numerous instruments enumerated in the last column of the table of Appendix I to this section, the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Lebanon

The Committee notes the statement made by a Government representative to the Conference Committee in 1965, indicating that the Government hoped soon to

overcome the difficulties which had delayed it in fulfilling its obligations under article 19 of the Constitution of the I.L.O. It recalls in this connection that Conventions and Recommendations must be submitted to the competent authorities in all cases, even if it is not proposed to ratify Conventions or to take measures to give effect to the Recommendations. The Committee hopes that these difficulties have been overcome, and that the Government will soon take the appropriate measures with a view to submitting to Parliament the numerous instruments listed in the last column of the table of Appendix I to this section, and will soon supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Liberia

The Committee notes the information supplied by the Government as well as the statement made by the Government representative to the Conference Committee in 1965, indicating that the instruments adopted at the 47th and 48th Sessions of the Conference have been submitted to the Executive Department concerned. The Committee once again points out, as the Conference Committee noted in 1965, that Conventions and Recommendations should be submitted to the authorities which have the power to legislate, namely Parliament. Moreover, the instruments should be submitted in all cases and not only when the ratification of a Convention or the implementation of a Recommendation was considered. The Committee hopes that the Government will take the necessary measures to submit to the competent legislative authorities all the instruments listed in the last column of the table of Appendix I of this section.

Libya

The Committee notes with regret that the Government has supplied no information in reply to the observation made in 1965. It had noted the statement made by the Government representative to the Conference Committee in 1964, indicating that a new procedure was being considered to enable the Government to submit shortly to Parliament the instruments in regard to which this obligation had not been discharged. The Committee hopes that the Government will indicate the measures it has taken to submit to the competent authorities the instruments listed in the last column of the table of Appendix I of this section and would supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Mali

The Committee notes the statement made by the Government representative to the Conference Committee in 1965, indicating that the instruments adopted by the Conference were being considered by the competent authorities. The Committee hopes that the Government will soon supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection, as regards the submission of the instruments adopted from the 44th to the 48th Sessions of the Conference.

Mexico

The Committee notes the information supplied by the Government indicating that the Conventions adopted at the 48th Session of the Conference will be submitted to Congress, and also the statement made by the Government representative to the Conference Committee in 1965. The Committee notes once more with regret that the Government fails to submit to Congress the Recommendations adopted by the Con-

ference. The Committee must again draw the Government's attention to the fact that, according to article 19 of the Constitution, Recommendations as well as Conventions must be submitted to the authorities which are vested with the power to legislate, although the Government is completely free to decide as to the nature of the proposals or comments to be presented to Parliament or on the action to be taken on these measures. The Committee hopes that the Government will do everything possible to submit to Congress all the instruments indicated in the last column of the table to Appendix I of this section, which include in fact not only Recommendations but also a number of Conventions.

Netherlands

The Committee notes the information communicated by the Government to the Conference Committee in 1965 indicating the measures taken or contemplated to submit to Parliament the instruments listed in the last column of the table of Appendix I of this section. The Committee hopes that the Government will soon be able to indicate that these instruments have been submitted to Parliament.

Nicaragua

The Committee is once more very disappointed to note that the Government has supplied no information in reply to its previous comments. The Government appears to have taken no measures to submit to the competent authorities the instruments adopted by the Conference since its 40th Session, that is, since Nicaragua resumed its membership of the I.L.O. 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. 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 information and documents called for in the Memorandum adopted by the Governing Body in this connection, and that it will take the necessary measures with a view to fully discharging the obligations incumbent upon it in this respect.

Pakistan

The Committee notes that, in spite of the indication given by the Government representative to the Conference Committee in 1965, no information has been supplied on the submission of the instruments adopted by the Conference. The Committee hopes that the Government will soon supply all the information called for in the Memorandum adopted by the Governing Body in this connection, as regards the instruments adopted from the 45th to the 48th Sessions of the Conference.

Panama

The Committee notes the statement made by the Government representative to the Conference Committee in 1965, indicating that the failure to comply with the obligations imposed under article 19 of the Constitution of the I.L.O. was due to recent events and existing conditions. The Committee, however, notes with regret that, except for Conventions Nos. 87 and 100 which were ratified, it appears that the Government has taken no measures to submit to the competent authorities the instruments adopted since the 31st Session of the Conference (1948). The Committee, while appreciating the difficulties experienced by the Government, expresses the hope

that the Government will find it possible to submit to the competent authorities the numerous instruments listed in the last column of the table of Appendix I of this section and thus fully discharge the obligation incumbent upon it by virtue of the Constitution of the I.L.O.

Paraguay

The Committee notes with deep regret that the Government has once more failed to supply any information in reply to its repeated observations. The Committee notes that, in spite of its various comments made concerning the importance of 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 instruments adopted by the Conference, the Government has failed to take the necessary measures to fulfil this obligation. The Committee urges the Government to do everything possible to submit to the competent authorities in the near future the instruments listed in the last column of the table in Appendix I of this section and to supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Peru

The Committee notes the statement made by a Government representative to the Conference Committee in 1965, indicating that 58 Conventions had been submitted to Parliament. It further notes according to information supplied by the Government, that measures were being taken with a view to the submission to the competent authorities of the Conventions adopted at the 48th Session of the Conference. It regrets to note, however, that the Government has not supplied any information regarding the submission to the competent authorities of the Recommendations adopted by the Conference. The Committee recalls in this connection that by virtue of the obligation imposed by article 19 of the Constitution of the I.L.O., Recommendations as well as Conventions must be submitted in all cases to the competent authorities. The Committee trusts that the Government will find it possible to submit to the competent authorities Recommendations 111 and 112, as well as all the instruments adopted by the Conference since its 44th Session, and would supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Poland

The Committee notes the information supplied by the Government as well as the statement made by a Government representative to the Conference Committee in 1965 indicating the measures taken and being contemplated with a view to submitting to the competent authorities the instruments adopted by the Conference. The Committee hopes that the Government will soon be able to supply full information on the submission to the competent authorities of all the instruments listed in the last column of the table in Appendix I to this section, in accordance with the Memorandum adopted by the Governing Body in this connection.

Rumania

The Committee notes the information supplied by the Government indicating that the Conventions and Recommendations adopted by the Conference at the 48th Session have been submitted to the Council of State, and the statement by the Government representative to the Conference Committee in 1965 that the Council of State was the competent authority. The Committee expresses the hope that the Govern-

ment will also find it possible to communicate the instruments adopted by the Conference to the National Assembly.

The Committee notes with regret that in spite of its previous requests made 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 the information concerning proposals and comments regarding the action to be taken on Conventions and Recommendations. The Committee trusts that the Government will take the necessary steps in the near future with a view to supplying the information and documents in question.

El Salvador

The Committee notes with regret that the Government has supplied no information in reply to its observation made in 1965. Despite the statement made by a Government representative to the Conference Committee in 1963 that the constitutional difficulties which prevented the Government from discharging its obligation under article 19 of the Constitution had been overcome, it appears that, except for Conventions Nos. 104, 105 and 107 which have been ratified, the Government has failed to take any measures to submit to the competent authorities the instruments adopted by the Conference since its 31st Session. The Committee once again draws the Government's attention to the importance of the obligation incumbent on member States by virtue of article 19 of the Constitution of the I.L.O. to submit in all cases the Conventions and Recommendations adopted by the Conference, even when it is not proposed to ratify these Conventions or to give effect to these Recommendations. The Committee hopes that the Government will take the necessary measures to submit to the competent authorities the instruments in question and will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Spain

The Committee notes with regret that the Government has supplied no information in reply to its requests made in 1964 and 1965. It notes that the instruments adopted at the 47th as well as the 48th Session were merely brought before the administrative departments concerned, and there was no information indicating whether these instruments had also been submitted to the *Cortes*. The Committee trusts that the Government will soon indicate whether these instruments, as well as those listed in the last column of the table in Appendix I of this section, have been submitted to the legislative body, and will supply the information and the documents called for in the Memorandum adopted by the Governing Body in this connection.

Syrian Arab Republic

The Committee notes the information supplied by the Government as well as the statement made by a Government representative to the Conference Committee in 1965 indicating that several Conventions and Recommendations adopted by the Conference have been submitted to the competent authorities and that the delay in regard to the remaining instruments was due to administrative difficulties. The Committee hopes that these difficulties have now been overcome and that the Government will find it possible to supply, as regards the submission of all the instruments listed in the last column of the table to Appendix I of this section to the competent authorities, the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Thailand

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1965 that the instruments listed in the last column of the table of Appendix I to this section were to be submitted in the near future to the National Assembly, which had just been elected. The Committee would be grateful if the Government would indicate whether these instruments as well as those adopted at the 48th Session have since been submitted to the National Assembly, and would supply the information and the documents called for in the Memorandum adopted by the Governing Body in this connection.

Tunisia

The Committee notes from the information supplied by the Government that several instruments adopted at the 46th and 48th Sessions of the Conference have been communicated to the Executive with a view to their submission to the competent authorities. The Committee would be grateful if the Government would indicate whether these instruments have been submitted to the National Assembly and would supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Ukraine

The Committee notes the information supplied by the Government indicating that the Conventions and Recommendations adopted at the 48th Session of the Conference have been submitted to the Presidium of the Supreme Soviet. In this regard, the Committee expresses the hope that the Government will also find it possible to communicate the instruments adopted by the Conference to the Supreme Soviet itself.

The Committee notes with regret that in spite of previous 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 the information concerning proposals and comments 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 the documents in question.

U.S.S.R.

The Committee notes the information supplied by the Government that the Conventions and Recommendations adopted at the 48th Session of the Conference have been submitted to the Presidium of the Supreme Soviet and the statement by the Government representative to the Conference Committee in 1965 that the Presidium of the Supreme Soviet was the competent authority. In this regard, the Committee expresses the hope that the Government will also find it possible to communicate the instruments adopted by the Conference to the Supreme Soviet itself.

The Committee notes with regret that, in spite of previous 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 the information concerning the proposals and comments with regard to the action to be taken concerning Conventions and Recommendations. The Committee trusts that the Government will take the necessary steps to supply the information and the documents in question.

United Arab Republic

The Committee notes the statement made by a Government representative at the Conference Committee in 1965 indicating that information would soon be supplied as regards the instruments listed in the last column of the table in Appendix I of this section and that these instruments had been in fact submitted to the competent authorities. The Committee would be grateful if the Government would indicate the nature of the authorities to which these instruments were submitted and would supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection. Please also indicate whether the instruments adopted at the 48th Session of the Conference have been submitted to the competent authorities.

Upper Volta

The Committee notes with regret that the Government has supplied no information in reply to its requests of 1964 and 1965. It trusts that the Government will take the necessary steps, as required by article 19, paragraphs 5 (b) and 6 (b) of the Constitution of the I.L.O., to submit to the competent authorities the instruments adopted at the 46th, 47th and 48th Sessions of the Conference, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Uruguay

The Committee notes with particular interest the information and documents supplied by the Government as well as the statement made by a Government representative to the Conference Committee in 1965 indicating that the instruments adopted at the 38th to the 46th Sessions of the Conference have been submitted to the Legislative Assembly and that measures have been taken with a view to submitting to the competent authorities those instruments adopted at the 47th and 48th Sessions. The Committee would be glad if the Government would indicate whether the instruments adopted at the 47th and 48th Sessions as well as Recommendation No. 98 adopted at the 37th Session have now been also submitted to the competent authorities.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Afghanistan, Algeria, Belgium, Brazil, Bulgaria, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Czechoslovakia, Dominican Republic, Finland, Gabon, Ghana, Indonesia, Iran, Jamaica, Kenya, Kuwait, Laos, Malagasy Republic, Malaysia, Mauritania, Niger, Nigeria, Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanzania, Togo, Trinidad and Tobago, Turkey, Venezuela, Viet-Nam and Yugoslavia.*

**Appendix I. Position of the Individual Members with Regard to the Obligation
to Submit Conference Decisions to the Competent Authorities**

(31st to 48th Sessions of the International Labour Conference, 1948-64)

Note : The number of the Convention or Recommendation is given in brackets, preceded by the letter "C" or "R" as the case may be, when only some of the decisions adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

Account has been taken of the date of admission or readmission of States Members to the I.L.O. for determining the sessions of the Conference whose decisions are taken into consideration.

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Afghanistan	31st to 36th, 38th to 45th	46th, 47th and 48th
Albania	31st to 47th	48th
Algeria		47th and 48th
Argentina	31st to 48th	—
Australia	31st to 48th	—
Austria	31st to 46th (C 117, R 116, 117) and 47th	46th (C 118) and 48th
Belgium	31st to 46th	47th and 48th
Bolivia	31st (C 87), 32nd (C 96), 40th (C 107) and 45th (C 116)	31st (C 88, 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 97, 98; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th (C 105, 106; R 103, 104), 41st, 42nd, 43rd, 44th, 45th (R 115), 46th, 47th and 48th
Brazil	31st to 43rd and 45th	44th, 46th, 47th and 48th
Bulgaria	31st to 47th and 48th (C 120)	48th (C 121, 122; R 120, 121, 122)
Burma	31st to 43rd	44th, 45th, 46th, 47th and 48th
Burundi		47th and 48th
Byelorussia	37th to 48th	—
Cameroon		44th, 45th, 46th, 47th and 48th
Canada	31st to 48th	—
Central African Republic	45th (C 116), 46th and 47th	45th (R 115) and 48th

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)
Ceylon	31st to 46th	47th and 48th
Chad	45th, 47th and 48th	46th
Chile	31st to 45th	46th, 47th and 48th
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, 47th and 48th	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) and 43rd (R 112)
Colombia	31st to 40th (C 105, 106, 107; R 103), 41st (C 109; R 105, 106, 108) to 44th and 45th (C 116)	37th, 40th (R 104) and 41st (C 108; R 107, 109), 45th (R 115), 46th, 47th and 48th
Congo (Brazzaville) . .	45th to 48th	—
Congo (Leopoldville) . .	45th to 48th	—
Costa Rica	31st, 32nd, 34th, 35th and 38th to 48th	33rd, 36th and 37th
Cuba	31st, 32nd, 34th, 35th (C 101, 103; R 93, 95), 38th, 40th, 41st (C 109), 42nd (C 110, 111; R 111), 43rd (C 113, 114; R 112), 44th (R 113, 114), 45th (C 116), 46th (C 118; R 116, 117), 47th (R 118, 119) and 48th	33rd, 35th (C 102; R 94), 36th, 37th, 39th, 41st (C 108; R 105, 106, 107, 108, 109), 42nd (R 110), 43rd (C 112), 44th (C 115), 45th (R 115), 46th (C 117) and 47th (C 119)
Cyprus	45th to 48th	
Czechoslovakia	31st to 47th	48th
Dahomey		45th, 46th, 47th and 48th
Denmark	31st to 48th	—
Dominican Republic . .	31st to 43rd, and 47th (C 119)	44th, 45th, 46th, 47th (R 118, 119) and 48th
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, 47th and 48th
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, 47th and 48th

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)
Finland	31st to 47th	48th
France	31st to 48th	—
Gabon	—	45th, 46th, 47th and 48th
Germany (Federal Republic)	34th to 48th	—
Ghana	40th to 45th and 47th	46th and 48th
Greece	31st, 32nd, 34th (C 99, 100), 35th (C 101, 102, 103) 40th (C 105), 41st (C 108) and 47th	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 48th
Guatemala	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100), 35th (C 101, 102), 39th, 40th (C 105, 106), 41st, 42nd and 43rd (C 112, 113, 114), 45th (C 116), 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 (R 115), 46th (C 117), R 116, 117), 47th (R 118, 119) and 48th
Republic of Guinea	43rd (C 112, 113, 114) and 48th	43rd (R 112), 44th, 45th, 46th and 47th
Haiti	31st (C 90), 32nd (C 98), 34th (C 99, 100), 40th to 44th and 48th	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, 47th and 48th
Hungary	31st to 48th	—
Iceland	31st to 45th	46th, 47th and 48th
India	31st to 48th	—
Indonesia	33rd to 38th, 40th, 41st, 43rd to 46th and 48th	39th, 42nd and 47th
Iran	31st to 45th and 46th (R 116)	46th (C 117, 118; R 117), 47th and 48th
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, 47th and 48th
Ireland	31st to 47th	48th

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)
Israel	32nd to 48th	—
Italy	31st to 47th	48th
Ivory Coast	45th to 48th	—
Jamaica		47th and 48th
Japan	35th to 48th	—
Jordan	40th (C 105), 42nd (C 111; R 111), 45th (C 116), 46th (C 117, 118) and 47th (C 119), and 48th (C 120)	39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd, 44th, 45th (R 115), 46th (R 116, 117) 47th (R 118, 119), 48th (C 121, 122; R 120, 121, 122)
Kenya		48th
Kuwait	45th to 48th	—
Laos		48th
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, 47th and 48th
Liberia	31st (C 87), 32nd (C 98), 38th (C 104), 40th (C 105), 42nd, 43rd (C 112, 113, 114) and 48th	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, 47th and 48th
Luxembourg	31st to 47th	48th
Malagasy Republic . .	45th to 47th	48th
Federation of Malaya .	41st to 46th	47th and 48th
Republic of Mali . . .	—	44th, 45th, 46th, 47th and 48th
Islamic Republic of Mauritania	45th (C 116), 46th and 48th	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, 47th and 48th

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)
Morocco	39th to 48th	
Netherlands	31st to 40th (C 105), 43rd (C 112), 45th (C 116), and 46th (C 118)	40th (C 106, 107; R 103, 104), 41st, 42nd, 43rd (C 113, 114; R 112), 44th, 45th (R 115), 46th (C 117; R 116, 117), 47th and 48th
New Zealand	31st to 48th	—
Nicaragua	—	40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th and 48th
Niger	45th to 47th	48th
Nigeria	45th (C 116)	45th (R 115), 46th, 47th and 48th
Norway	31st to 48th	—
Pakistan	31st to 44th	45th, 46th, 47th and 48th
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, 47th and 48th
Paraguay	40th (C 106)	40th (C 105, 107; R 103, 104), 41st, 42nd, 43rd, 44th, 45th, 46th, 47th and 48th
Peru	31st to 41st, 42nd (C 110, 111; R 110), 43rd (C 112, 113, 114)	42nd (R 111), 43rd (R 112), 44th, 45th, 46th, 47th and 48th
Philippines	31st to 48th	—
Poland	31st (C 87), 32nd (C 91, 92, 95, 96, 98), 34th (C 100; R 90); 35th (C 101), 36th, 40th (C 105), 42nd (C 111), 44th (C 115) 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 (R 113, 114), 45th (R 115), 46th, 47th and 48th
Portugal	31st to 48th	—
Rumania	39th to 48th	—
Rwanda		47th and 48th
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, 47th and 48th

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)
Senegal	46th (R 116, 117), 47th (R 119) and 48th (R 120, 121, 122)	44th, 45th, 46th. (C 117, 118), 47th (C 119; R 118) 48th (C 120, 121, 122)
Sierra Leone	45th and 47th (C 119)	46th, 47th (R 118, 119) and 48th
Somali Republic	—	45th, 46th, 47th and 48th
Spain	39th to 43rd (C 112, 113, 114), 44th (C 115), 45th (C 116) and 48th	43rd (R 112), 44th (R 113, 114), 45th (R 115), 46th and 47th
Sudan	39th to 44th	45th, 46th, 47th and 48th
Sweden	31st to 48th	—
Switzerland	31st to 48th	—
Syrian Arab Republic	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85), 34th (C 99, 100; R 89, 90), 35th (C 101, 102, 103), 36th (R 97), 38th (C 104), 39th (R 102), 40th, 41st (C 108, 109), 42nd, 44th, 45th (C 116), 46th (C 118; R 116, 117), 47th and 48th (C 120)	32nd (R 86, 87), 33rd, 34th (R 91, 92), 35th (R 93, 94, 95), 36th (R 96), 37th, 38th (R 99, 100) and 39th (R 101), 41st (R 105, 106, 107, 108, 109), 43rd, 45th (R 115), 46th (C 117) and 48th (C 121, 122; R 120, 121, 122)
Tanzania	46th	47th and 48th
Thailand	31st to 36th, 38th (C 104) and 45th	37th, 38th (R 99, 100), 39th, 40th, 41st, 42nd, 43rd, 44th, 46th, 47th and 48th
Togo	44th to 48th	
Trinidad and Tobago	—	47th and 48th
Tunisia	39th to 48th	
Turkey	31st to 47th	48th
Uganda	47th and 48th	
Ukraine	37th to 48th	—
Republic of South Africa	31st to 47th	48th
U.S.S.R.	37th to 48th	—
United Arab Republic	31st (C 87, 88, 89; R 83), 32nd (C 94, 95, 96, 98), 34th (C 100), 35th (C 101), 38th, 39th, 40th, 42nd, 44th, 45th and 46th (R 116, 117)	31st (C 90), 32nd (C 91, 92, 93, 97; R 84, 85, 86, 87, 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 102, 103; R 93, 94, 95), 36th, 37th, 41st, 43rd, 46th (C 117, 118), 47th and 48th
United Kingdom	31st to 48th	—

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)
United States	31st to 47th and 48th (C 120, 121; R 120, 121)	48th (C 122; R 122)
Upper Volta	45th	46th, 47th and 48th
Uruguay	31st to 36th, 38th to 46th	37th, 47th and 48th
Venezuela	31st to 45th (C 116)	45th (R 115), 46th, 47th and 48th
Viet-Nam	33rd to 44th	45th, 46th, 47th and 48th
Yugoslavia	31st to 47th	48th

Appendix II. Tables Showing the Position of Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

TABLE I. NUMBER OF STATES WHICH HAVE COMMUNICATED, WITHIN THE PRESCRIBED TIME LIMITS, INFORMATION INDICATING THAT CONVENTIONS AND RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES

Number of States in which, according to information supplied by governments—	Sessions at which decisions were adopted																	
	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)	48th (June /July 1964)
All the decisions have been submitted	16	17	21	25	25	28	29	24	38	38	34	36	34	38	34	38	32	40
Some of these decisions have been submitted . . .	7	2	— ¹	4	3	1	— ¹	4	1	13	3	7	8	1	9	6	9	6
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	67	64
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	110

¹ At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 23 MARCH 1966

	Sessions at which decisions were adopted																	
Number of States in which, according to information supplied by governments—	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)	48th (June /July 1964)
All the decisions have been submitted	47	45	46	49	48	50	46	50	58	57	56	58	52	53	45	49	44	40
Some of these decisions have been submitted	11	14	3	13	11	—	— ¹	9	1	12	4	10	10	5	19	10	11	6
None of these decisions has been submitted (including cases in which no information has been supplied by the government)	2	2	14	2	7	16	23	10	17	8	19	11	18	25	37	43	53	64
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	110

¹ At this session the Conference adopted one Recommendation only.

PART THREE

SUBMISSION OF INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS TO THE COMPETENT AUTHORITIES IN FEDERAL STATES

(Article 19, paragraph 7, of the Constitution)

**SUBMISSION OF INTERNATIONAL LABOUR CONVENTIONS
AND RECOMMENDATIONS TO THE COMPETENT
AUTHORITIES IN FEDERAL STATES**

(Article 19, paragraph 7, of the Constitution)

1. The Committee took note in 1961 of the exchange of views which took place in the Conference Committee in 1960 concerning the particular problems of federal States and the application of the special provisions of article 19, paragraph 7, of the Constitution of the International Labour Organisation in this regard. In order to examine these problems in all their aspects, in accordance with the wish expressed by the Conference Committee at the conclusion of its discussion, the Committee considered it necessary to appeal specially to the countries concerned to supply additional information, in order to supplement that already obtained from the replies supplied to the questions asked in the Memorandum adopted in this connection by the Governing Body and in order to take account of new developments in this area. To this effect, the Committee requested the I.L.O. to ask the governments concerned, on its behalf, to indicate, in those cases where the Conventions or Recommendations call for action which falls wholly or partly within the competence of the constituent states, provinces or cantons, what arrangements had been taken:

- (i) to submit Conventions and Recommendations not only to the appropriate federal authorities, but also to the appropriate state, provincial or cantonal authorities as provided in article 19, paragraph 7 (b) (i), of the Constitution of the I.L.O.;
- (ii) to arrange for periodical consultations between the federal authorities on the one hand and the state, provincial or cantonal authorities on the other, with a view to promoting within the federal State co-ordinated action to give effect to the provisions of Conventions and Recommendations (article 19, paragraph 7 (b) (ii), of the Constitution).

2. The Committee also expressed the hope that the governments of the countries concerned would communicate, pursuant to article 19, paragraph 7 (b) (iii), "particulars of the authorities regarded as appropriate and of the action taken by them".

3. Eighteen federal States were asked to supply information: Argentina, Australia, Austria, Brazil, Burma, Cameroon, Canada, Federal Republic of Germany, India, Federation of Malaya¹, Mexico, Nigeria, Pakistan, Switzerland, United States, U.S.S.R., Venezuela and Yugoslavia.

4. The Committee noted that following reminders sent in 1962, 1963 and 1965, 12 States², to which the Committee wishes to express its thanks, replied to the

¹ Before the creation of Malaysia.

² Argentina, Australia, Austria, Cameroon, Canada, Federal Republic of Germany, India, Nigeria, Switzerland, U.S.S.R., United States and Venezuela. Summaries of these reports appear in Report III (Part III): *Summary of Information Relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference*, prepared for the 48th and 50th Sessions of the Conference.

request addressed to them, so that the scope of this study is mainly concerned with these countries. The failure of the other States might possibly be due to the fact that in the case of several of them, Conventions and Recommendations are, as a general rule, within the competence of the federal authority but, even so, it would have been desirable to have had precise information on the question.

HISTORY

5. In order to define the problems raised by the submission of Conventions and Recommendations to the competent authorities in federal States, the Committee considers it useful to recall the main circumstances and motives which led to the adoption of the existing provisions of the Constitution on this question.

6. Among the important problems relating to its Constitution and constitutional practice, which the International Labour Organisation was called on to reconsider in order to adapt its procedure to the new situation created after the Second World War, that of the stricter definition of the obligations of member States with regard to Conventions and Recommendations was bound to occupy a particularly important place. The Conference Delegation on Constitutional Questions, appointed by the International Labour Conference at its 27th Session (November 1945), with the comprehensive mandate which it had been given, devoted an essential part of its work to the study of constitutional amendments designed to increase the effectiveness of the existing procedure concerning Conventions and Recommendations.¹ In this regard, the attention of the Conference Delegation was particularly drawn to the special obligations by which States with a federal structure were bound in this area, obligations which did not appear to promote in any real sense the acceptance of international labour standards in these States.

7. The obligations of federal States with regard to Conventions which are not within the exclusive competence of the federal authorities were determined by article 19 (9) of the Constitution, which read as follows:

In the case of a federal State the power of which to enter into Conventions on labour matters is subject to limitation, *it shall be in the discretion of that Government to treat a draft Convention to which such limitations apply as a Recommendation only*, and the provisions of this article with respect to Recommendations shall apply in such case.

8. According to article 19 (1) of the Constitution, a Recommendation was submitted to the Members for examination "with a view to effect being given to it by national legislation or otherwise". The obligations of member States with relation to Recommendations consisted in submitting these instruments to the competent authorities within a given period and in informing the Office of the measures taken to this effect.

9. In the case of a unitary State, a Convention was presented to it with a view to ratification (article 19, paragraph 7, of the Constitution), and the State had complete freedom as to the final decision. Once ratification has occurred, however, the State is obliged to take "such action as may be necessary to make effective the provisions of such Convention" (article 19, paragraph 7, of the Constitution), which frequently entails the obligation to bring the national legislation into conformity with the ratified Convention, to ensure the effective observance of this legislation, and to make an annual report on the application of the Convention.

¹ See I.L.O.: *Constitutional Questions*; Part 1: *Reports of the Delegation of the Conference on Constitutional Questions*, Report II (1), International Labour Conference, 29th Session, Montreal, 1946 (Montreal, 1946, p. 35 and ff.).

10. It was pointed out that as a result of all these provisions taken together, federal States were being treated differently from unitary States, since they were able to treat Conventions not susceptible of federal action as simple Recommendations involving no legal obligation. It was also emphasised that in these circumstances it was natural that unitary States, whose competitive position might be affected by the ratification of Conventions with increasingly higher standards, might hesitate to adhere to such Conventions and to undertake obligations increasing their costs of production, while federal States were not subject to comparable obligations.

11. In this respect the relatively limited number of ratifications by federal States was revealed in a table submitted by Sir John Forbes Watson to the Governing Body of the International Labour Office at its 94th Session (London), but it was pointed out that enumeration of the ratifications of Conventions does not truly reflect the situation in federal States, which in numerous cases, have standards equal to or higher than those laid down by a particular Convention.¹

12. It appeared to the Conference Delegation, which had envisaged various measures, that the establishment of machinery for consultation between the federal authorities and those of the constituent units would encourage the taking of action within a federal State to give full effect to the provisions of international labour Conventions and Recommendations.

13. Thus the work of the Conference Delegation resulted in the adoption of the existing provisions of article 19, paragraph 7, of the Constitution, the essential terms of which are set out at the beginning of this study. Briefly, a federal State which is not exclusively competent to apply Conventions and Recommendations is required to make arrangements with the constituent states for the submission of Conventions and Recommendations to the appropriate federal authorities, on the one hand, and those of the constituent units on the other, to take measures to arrange for periodical consultations with the state authorities with a view to giving effect to Conventions and Recommendations; and to inform the Director-General of the International Labour Office of the measures taken to these ends and also of the action taken by the authorities regarded as appropriate.

THE DISTRIBUTION OF POWERS IN FEDERAL STATES IN THE FIELDS COVERED BY THE I.L.O. CONVENTIONS AND RECOMMENDATIONS

14. It is important to note that the special provisions for federal States apply only to the extent to which the federal government considers that, under its constitutional system, action by the constituent states, provinces or cantons, is in whole or in part more appropriate than federal action. If the competence of the federal government is exclusive, the provisions concerning unitary States would apply. In order to elucidate the practice of federal States in fulfilling their special obligations concerning the submission of Conventions and Recommendations to the competent authorities, it is also necessary to examine first of all the division of powers between the constituent units on the one hand and federal authorities on the other as regards the subject matter of these instruments.

15. As a rule the distribution of powers is effected by the federal Constitution, in one of two basic ways. In some States² the Constitution sets out in a more or less

¹ *Constitutional Questions*, op. cit., p. 177 and ff.

² See Federal Republic of Germany (Article 72 and ff. of the Constitution of 23 May 1949); Canada (Articles 91 and 92 of the Constitution of 29 May 1867); India (Article 246 and Appendix of the Constitution of 26 November 1949); Switzerland (Articles 24, 34, etc., of the Constitution of 29 May 1874).

limited way the matters which fall within the respective jurisdictions of the two powers, and where applicable, the matters which lie within their concurrent jurisdiction, in which case the federal legislation has priority over the legislation of the constituent units. In other States¹ the Constitution enumerates only those matters which lie within the competence of the central power and those rights which are not expressly delegated or prohibited to the constituent units, lie within the competence of these units.

16. If the subject matter of the international labour Conventions and Recommendations is examined in the light of the constitutions of the federal States, the extreme diversity of scope of the international instruments prevents any attempt to determine whether and to what extent the said instruments fall into the federal jurisdiction or that of the federated units. Furthermore, such an attempt on the part of the Committee would inevitably raise problems of interpretation of the constitutions of the States concerned, a matter which is essentially for the national judiciaries.

17. This analysis must therefore be restricted to the information communicated by the governments on this question.

18. In six of the States which have reported on the question, labour law and generally workers' protection fall within the exclusive jurisdiction of the federal authority.

19. Pursuant to article 6 of the Constitution of the Cameroon, the Federal Authorities were empowered to deal, *inter alia*, with labour legislation after the transitional period, and the executive and legislature of the federated states ceased to be competent to deal with such matters after the federal Government had taken charge of them. The Government therefore stated in its report that, with the Ministry of Labour now operating on a federal basis, the question of labour legislation now lies within the exclusive competence of the federal authorities.

20. In the Federal Republic of Germany, under article 74 (12) of the Constitution, labour law, workers' protection, employment, social security and unemployment insurance are matters that lie within the area of joint competence. On the other hand, under article 72 (1) of the Constitution the constituent units (*Länder*) may legislate in these fields only if the federal Government does not exercise its own right to legislate. The federal Government has indicated in its report that since it has exercised this right, the majority of the measures to be taken with respect to international labour Conventions and Recommendations fall within its competence.

21. The Austrian Government stated that under its Constitution² the questions on labour law lie within the competence of the federal authorities as regards the basic legislation and its application in respect of workers other than those in agriculture. In respect of agricultural workers, the federal Government has jurisdiction with respect to the preparation of the basic legislation. The Government concluded that the special provisions of article 19, paragraph 7 (b), of the I.L.O. Constitution were not applicable to that country.

¹ See Argentina (articles 68 and 97 of the Constitution of 16 March 1949); Australia (articles 51 and 107 of the Constitution of 9 July 1900); Cameroon (Chapter II, articles 5 and 6, of the Constitution of 1 October 1961); Nigeria (Part IV, section 64 and ff. of the Constitution of 1 October 1960); United States (Chapter III, section 8 of the Constitution of 17 September 1787 and Amendment X of this Constitution); U.S.S.R. (articles 14 and 15 of the Constitution of 5 December 1936 as amended); Venezuela (articles 120 and 138 (21) of the Constitution of 5 July 1947).

² Austria: article 10, paragraph 11, and article 12, paragraph 4, of the Constitution.

22. In Switzerland, under the Constitution ¹, the Confederation has the right to legislate in particular on employees' and workers' protection, on the relations between employers and employees or workers, placement services, unemployment insurance, unemployment assistance, and on vocational training. The fields reserved to the Confederation are so extensive that it has an almost exclusive jurisdiction in matters relating to international labour standards. Moreover, the Government has indicated that social policy is essentially, if not exclusively, a matter for the Confederation and that for this reason in particular the Confederation has rarely had the opportunity to apply the special procedure for federal States provided for by article 19, paragraph 7 (b) (i) and (ii), of the Constitution.

23. In the U.S.S.R., under article 14 (1) of the Constitution, the jurisdiction of the Union of Soviet Socialist Republics, as represented by its highest organs of state power and organs of state administration, embraces, *inter alia*, the determination of the principles of labour legislation. The Government of the U.S.S.R. considers that, under its constitutional system, the Presidium of the Supreme Soviet is the competent authority to which Conventions and Recommendations are to be submitted.

24. Finally, pursuant to article 138 (21) of the Venezuelan Constitution, all matters relating to labour, insurance and social security belong to the national power. The Government indicated that the matters dealt with in Conventions and Recommendations adopted by the Conference are referred by the National Executive to the National Congress for examination and action.

25. It appears also that in certain other countries ² which have not sent a report on this question the federal authorities are alone competent to take measures in the areas covered by international labour Conventions and Recommendations. The information at the disposal of the Committee regarding these countries reveals, in effect, that the procedure generally followed in these countries in submitting instruments to the competent authorities is that of unitary States. The instruments are submitted to the federal legislative authority apparently without consultation of the constituent units.

26. In six countries ³, according to indications contained in the reports, the subject matter of Conventions and Recommendations generally falls partly within the jurisdiction of the federal authorities and partly within that of the constituent units. In fact, in Canada and in the United States only a limited number of instruments, in particular maritime instruments, have been considered to require exclusive action by the central authority.

27. In all cases it is for the national authorities to determine with regard to each Convention or Recommendation the body within whose competence the subject matter of each instrument falls.

28. However, since the procedure established by article 19 of the I.L.O. Constitution varies according to the nature of this body, it is essential, in order to determine whether the procedure followed conforms with this article, that the federal States, in accordance with the Memorandum adopted in this connection by the Governing Body of the I.L.O., indicate "(with regard to each one of the) Conventions and Recommendations on which information is requested, whether the federal government regards them as appropriate, under its constitutional system, for federal action

¹ Article 34B of the Constitution.

² Brazil, Burma and Pakistan.

³ Argentina, Australia, Canada, India, Nigeria and the United States.

or whether, on the other hand, it regards them as appropriate, in whole or in part, for action by the constituent states, provinces or cantons ”.

29. If the situation is that the jurisdiction is concurrent, or belongs exclusively to the constituent units, the Constitution of the I.L.O. provides for the submission of the instruments under consideration to the federal authorities and to those of the units as well as for the establishment of machinery for consultation between these different authorities, provisions which are designed to achieve the co-ordination of social legislation within the whole of the federal State and, in the last analysis, to permit the ratification and application of the largest number of Conventions. This concern is manifested even from the terms of certain Conventions.

ARRANGEMENTS CONCERNING THE SUBMISSION OF CONVENTIONS AND
RECOMMENDATIONS TO THE APPROPRIATE FEDERAL AUTHORITIES OR TO
THE APPROPRIATE AUTHORITIES OF THE CONSTITUENT STATES,
PROVINCES OR CANTONS

30. Article 19, paragraph 7 (b) (i), of the Constitution of the I.L.O. states in particular that in the situation mentioned above the governments of the federal States must make effective arrangements for the reference of such Conventions and Recommendations to the appropriate federal authority or those of the constituent units for the enactment of legislation or other action.

31. Such arrangements exist in six of the countries which have been good enough to communicate information in reply to the Committee's request.

32. In Argentina the Government submits the Conventions and Recommendations adopted by the Conference to the National Congress. When the application of Conventions and Recommendations calls for special action by the provincial legislative authorities, copies of the instruments are sent to the respective authorities and the necessary consultation is carried out through the Ministry of the Interior.

33. In Australia the texts of the instruments adopted by the Conference are submitted to the federal Parliament as an appendix to the report of the Australian delegates to the session of the Conference, within the time limit laid down by the Constitution. In cases where action by the states is found necessary, the instruments are forwarded to the state authorities, which are asked to give their views on the possibility of ratifying a Convention or giving effect to a Recommendation. On the basis of the various replies received, the federal Government prepares a report for the federal Parliament concerning the measures proposed to give effect to these instruments.

34. In Canada the Conventions and Recommendations are submitted to the federal Parliament accompanied by a note giving the views of the Minister of Justice as to the jurisdiction within which each of the instruments in question falls. If in the opinion of the Minister of Justice the Conventions and Recommendations fall also within the competence of the provinces, they are communicated to the Lieutenant-Governors of the provinces to be referred for consideration to the competent provincial authorities.

35. In the United States the instruments adopted by the Conference are submitted to Congress with a report containing the co-ordinated views of the interested departments of the federal Government. If it appears from this report that the instruments in question may serve as a basis for legislative action, the President of the United States submits to the two Houses of Congress proposals concerning the legislative measures thought desirable. The Conventions and Recommendations which require action by

the constituent states are sent to the Governors of the states for such action as they think fit. The Governors transmit the texts, with suitable recommendations, to the authorities which appear to them to be appropriate in each case, for example the Department of Labor and the legislature of the states.

36. In India the Conventions and Recommendations are submitted to the Parliament of the Union and to the authorities of the different states of the Union.

37. In Nigeria, according to the information supplied by the Government in 1965, the texts of the Conventions and Recommendations together with the observations of the National Labour Advisory Council and the comments of the Federal Minister of Labour were submitted to the federal Parliament and the Regional Houses of Assembly.

38. The procedures in force in the federal States set out above are on the whole in conformity with the requirements of article 19, paragraph 7 (b) (i), of the Constitution of the I.L.O. It will be noticed in particular that the instruments are in all cases submitted to the federal legislative authorities; it is not clear, however, in the countries under consideration, whether the instruments which require action by the constituent units are also drawn to the attention of the legislative authorities of these units. The Committee considers it desirable, in view of the terms of the above-mentioned provision and its purposes, that the Conference decisions should also be brought to the attention of the legislative organs of the particular units. It would also consider it useful if the information which the federal States are required to furnish regarding the submission of Conventions and Recommendations to the competent authorities would contain particulars concerning this aspect of the question.

39. The Committee realises the difficulties which, by reason of limitations imposed by the national constitution or by reason of the number of constituent units involved, federal governments may sometimes encounter in making effective arrangements with the authorities of these units for the submission of Conventions and Recommendations within 18 months at the latest. The periodical consultations provided for by article 19, paragraph 7 (b) (ii), of the Constitution between the federal authorities and those of the federated units, with a view to promoting within the federal State co-ordinated action to give effect to the provisions of Conventions and Recommendations, are of great importance in this respect.

CONSULTATIONS PROVIDED FOR BY ARTICLE 19, PARAGRAPH 7 (b) (ii), OF THE CONSTITUTION

40. Consultation machinery takes the form either of permanent bodies or of periodical meetings between the representatives of the federal authorities and those of the constituent units.

Permanent Consultative Bodies

41. Permanent bodies exist in Australia, India, Nigeria and the U.S.S.R.

42. In Australia, following the adoption of the existing provisions of the Constitution relating to federal States, a conference of the Labour Ministers of the Commonwealth of Australia and of the constituent states held in April 1947 decided on the establishment of a Labour Advisory Board composed of the Secretaries of the Departments of Labour of the Commonwealth and the states and their staffs. This board meets once a year and the ratification of international labour Conventions is always one of the items on its agenda. At these meetings an exchange of views takes

place on the various measures which may be taken, having regard to the respective legislation, to give effect to the provisions of Conventions and Recommendations. In April 1960 a special session of the Labour Advisory Board was devoted to a comprehensive examination of all the Conventions which had not been ratified by Australia, in order to evaluate the position of the country in respect to international labour standards and the possibilities of ratification. Discussions on the ratification of Conventions also take place at the Conference of the Prime Ministers of the Commonwealth of Australia and the constituent states.

43. It is particularly interesting to note that these periodical consultations between the Commonwealth and the states have borne positive results in the ratification of Conventions regarded as partly within the legislative competence of both the Commonwealth and the states. Of the 12 Conventions ratified by Australia prior to the establishment of the Labour Advisory Board, only one of these (the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)), falling within the legislative competence of both the Commonwealth and the states, depended upon common agreement and in this instance the machinery for wage-fixing had been in operation many years before the Convention was adopted by the International Labour Conference. Since then, Australia has ratified 14 Conventions, eight of which were not within the exclusive legislative competence of the central government and therefore required the co-operation and approval of all the states to ensure that national law and practice conformed to the provisions of the Conventions in question.

44. This impressive record has been due entirely to the persistent and continuous consultations which have taken place between the Commonwealth and the states on the possibility of ratifying Conventions. Thus, prior to the Second World War, when the central Government consulted the states on the ratification of the Underground Work (Women) Convention, 1935 (No. 45), only some of the states approved ratification. Following subsequent consultations after the war, all the states agreed to the ratification of this instrument and Australia was then in a position to register its formal ratification in 1953. Again, when the states were first contacted by the federal Government in 1938 with a view to securing their views on the ratification of the Right of Association (Agriculture) Convention, 1921 (No. 11), and the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), a number of states were opposed to the ratification of these instruments. Consultation with the states was, however, renewed and the federal Government, having subsequently received the agreement of all the states, was able to ratify these two Conventions in 1957 and 1960, respectively. Another interesting example where the consultation procedures have produced positive results is in the case of the ratification of the Abolition of Forced Labour Convention, 1957 (No. 105). When the co-operation of the states was sought in 1958, all but one agreed to the ratification, and after further consultation final agreement was reached among all the parties concerned. The Convention was therefore ratified by Australia in 1960.

45. In India the text of the instruments is set before the Parliament in the form of an appendix to the report of the Government delegation shortly after the end of the session of the Conference. At this stage no proposal is made concerning the action to be taken with regard to the instruments, in view of the concurrent jurisdiction of the Union and the states in this area. These texts are then communicated to the ministries concerned of the Government of the Union, to the governments of the constituent states and to all the employers' and workers' organisations, which are invited to give their views regarding the possibility of giving effect to the instruments, either in whole or in part. The instruments are also submitted to a tripartite committee set up in 1954 to advise the Government on the application of international labour

standards. A statement indicating the attitude of the Government with regard to each particular Convention or Recommendation is then prepared in detail on the basis of various comments made and submitted to the two Houses of Parliament.

46. Prior to 1965 the Government of Nigeria reported that the power to enact legislation on labour and social welfare rested independently within the competence of the federal Government and the governments of the constituent regions. There existed, however, an administrative arrangement enabling the federal Government to act as an agent for the regional governments, subject to consultation with, and the concurrence of these governments. According to information communicated by the Government in 1965, a tripartite National Labour Advisory Council was established which was responsible for reviewing and advising the Government on the operation of all labour legislation relating to wages and conditions of employment and to recommend such modifications or amendments as might be desirable. The Council, which had representatives drawn from all the federal and regional ministries charged with the responsibility for labour matters, was to meet twice a year. Shortly after the establishment of the Advisory Council, the federal Government instituted a tripartite subcommittee which in practice submitted reports and recommendations on new as well as old Conventions and Recommendations to the National Advisory Council, which examined the reports and made observations and suggestions to the Government as it deemed fit. Thereafter, the Federal Minister of Labour submitted the texts of the Conventions and Recommendations and the observations of the Advisory Council together with his comments to all of the governments in the Federation and presented their agreed decision to the federal Parliament and the Regional Houses of Assembly. In addition, consultation between the federal and the regional governments usually took place through the annual meetings of Permanent Secretaries and the annual conferences of Ministers charged with the responsibility for labour matters. These meetings and conferences normally discussed I.L.O. instruments as well as other labour matters.

47. In the U.S.S.R., according to the information supplied by the Government, the Presidium of the Supreme Soviet to which Conventions and Recommendations are submitted includes the Presidents of the Presidiums of the Supreme Soviets of all the Union Republics. Therefore, Conventions and Recommendations are considered by the most responsible representatives of the higher authorities of all the Union Republics and this forms a basis for consultation within the U.S.S.R. within the framework of state power. On the other hand, the Council of Ministers of the U.S.S.R. includes *ex officio* the Chairmen of the Councils of Ministers of all the Union Republics and thus the heads of governments of the Union Republics are kept informed of Conventions and Recommendations submitted by the Government to the Presidium of the Supreme Soviet. This forms an additional basis for consultation. Consequently, according to the Government's report, the constitutional system of the U.S.S.R. creates favourable conditions for systematic consultation between the federal authorities and the authorities of the Union Republics with a view to co-ordinating action within the federal states to make effective the provisions of Conventions and Recommendations. This system enables the carrying out not only of periodic but also of regular consultations concerning the instruments adopted by the Conference.

Periodical Consultations

48. In Canada and in the United States frequent consultations take place between the various federal authorities and those of the constituent states which deal with labour matters.

49. In the first of these countries there is an association of labour department administrators which meets regularly each year, in the presence of the Deputy Ministers and senior officers of the federal and provincial departments of labour, to discuss matters of common interest. Questions concerning the I.L.O. are considered at these meetings. Furthermore, the papers prepared on the items on the agenda of the International Labour Conference are transmitted to the provincial labour departments for comment and any such comments are taken into account in the drafting of the Government's reports and in the instructions given to the Government delegates to the Conference, who sometimes include technical advisers from the provincial departments. Moreover, the reports prepared for the I.L.O. on legislation and practice in the labour field are communicated in draft form to the provincial departments for any comment and amendment so far as their individual provincial situation is concerned.

50. Whereas in 1950 the Government reported that there was no possibility of ratifying certain Conventions lying partly within provincial legislative jurisdiction, in 1961, in reply to a question put to him in the House of Commons, the Minister of Labour stated that the ratification of Conventions not within the exclusive competence of the federal Government was an area where an attempt could be made to rectify the situation through consultation with the provinces, with a view to determining whether they would be agreeable to the ratification of certain Conventions. In March 1964 the federal Government organised an Inter-Provincial Labour Ministers' Conference (the first held since 1946), where one of the decisions taken was to try to work out a procedure for ratifying I.L.O. Conventions which fell within the federal and provincial legislative fields. It was reported that the reaction of the provincial representatives to proposals for future closer co-operation and consultation with a view to increasing ratification of Conventions falling within the joint federal-provincial competence was interesting and favourable and that future action would involve the establishment of probably more formal consultation procedures or machinery for this purpose.

51. When it decided to ratify the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which was within the joint legislative competence of the federal Government and the provinces, the Government, in order to ascertain the position within the provinces, consulted all of them, to ask for confirmation that the objectives of the Convention were pursued. All the provinces indicated that their policy was fully consistent with the objectives of the Convention and expressed full support and approval of the proposed action to ratify this basic international instrument. As a result of this systematic federal-provincial co-operation and consultation, Canada was able to ratify this Convention in November 1964, the first case where, on the basis of co-operation and consultation with the provinces, the federal Government was able to ratify a Convention lying partly within provincial jurisdiction and marked a significant step in Canadian constitutional development.

52. Since the submission of the report by the Canadian Government on this question there have been two other important developments which bear special mention. When the instruments adopted by the Conference at its 48th Session (1964) were submitted, the Minister of Labour stated in Parliament that there had been consultations between the federal and provincial governments with a view to determining the measures to be taken to ensure the conformity of the national legislation and practice as a whole with certain of the Conventions under consideration, which might thus be ratified.¹ Again, while submitting to the House of Commons the

¹ *House of Commons Debates*, Vol. 110, No. 52, pp. 2993-2994.

instruments adopted at the 49th (1965) Session of the Conference, and which also fell partly within provincial jurisdiction the Minister of Labour, after stating that Canadian legislation and policy for the most part conformed with at least the major provisions of the instruments, indicated that steps were to be taken to explore with the provinces whether further action was advisable to ensure full compliance with the instruments. If it were possible to achieve this, then the Government would be in a position to ratify the two Conventions adopted at that Session.¹

53. In the United States, according to the Government's report, one of the essential functions of the federal department is to give technical assistance to the federated states for the improvement of labour legislation and administration. International standards are taken into consideration at such times. The technical consultants of the Bureau of Labor Standards of the federal Department of Labor travel to the states to discuss labour legislation with the officials concerned. The application of given international labour standards in a particular state may be examined during these meetings. Again, at the annual convention of the International Association of Labour Officials, a report on international labour matters and the possible role of the federated states in these matters is discussed.

54. In Switzerland, as already indicated, since the Confederation has almost exclusive power to legislate in the matters which are normally covered by the Conventions and Recommendations, consultation with the cantons has not always played an important part. It is interesting to note, however, that on one occasion such consultation did allow appropriate measures to be taken to apply a Convention ratified by the Confederation which, in itself, did not have all the power necessary to give effect to the Convention. According to the Government's report, this situation arose in relation to the ratification of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Since the cantons have exclusive jurisdiction as regards the regulations applicable to their officials and employees, the Confederation, through the federal Department of Public Economy, had to ask the cantonal governments to take the necessary measures, where appropriate, to ensure the application of the Convention. Subsequent consultations were also provided for.

* * *

55. Such is the machinery established by certain federal States in conformity with article 19, paragraph 7 (b) (ii), of the Constitution.

56. The Committee is aware of the complexity of the problems raised by the application of international labour Conventions in States with a federal structure. It has generally noted two factors in this respect: firstly, the fact that the legislative and regulatory powers necessary to give effect to Conventions are divided between the federal authorities and those of the constituent units; and secondly, the fact that, from the point of view of economic development, conditions vary from one constituent unit to another and render the application of uniform labour standards difficult throughout the country.

57. These difficulties do not, however, appear to be insurmountable. Certain of the examples which the Committee has mentioned show how, by means of appropriate procedures of consultation between federal authorities and those of the constituent units, the ratification of Conventions may be promoted in States with a federal structure. Certainly, it will not always be possible to obtain complete adherence by all the constituent units to the provisions of a Convention, but the consultations will

¹ *House of Commons Debates*, Vol. 111, No. 27, pp. 1654-1655.

often have the advantage of arousing greater interest concerning the work of the I.L.O. inside the federal country and thus of promoting the progressive and harmonious development of social standards.

Clauses in Conventions Relating to Federal States

58. With a view to facilitating the acceptance of certain Conventions by federal States, provisions have been inserted in these Conventions limiting the obligations of the federal States which arise from the ratification of the Convention. Thus, by virtue of its Article 1, paragraphs 1 (*d*) and 2, the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), applies only to contracts awarded by a central authority (or in federal States, by a federal authority) unless the competent authority determines that the Convention shall apply to contracts awarded by authorities other than central authorities. Article 6, paragraph 2, of the Migration for Employment (Revised) Convention, 1949 (No. 97), permits federal States to ratify it and to apply certain provisions of this Convention only to the extent to which the matters dealt with by the provisions are regulated by federal legislation or by federal administrative authorities.

59. In other cases Conventions do not allow such latitude to federal States, but provide for the application of their provisions falling partly within the jurisdiction of the constituent units. Thus, Article 4 of the Labour Inspection Convention, 1947 (No. 81), provides that labour inspection shall be placed under the supervision and control of a central authority and that in the case of a federal State the term "central authority" may mean either a federal authority or a central authority of a federated unit.

60. Finally, without exhausting the list of Conventions which embody the principles enumerated above, but with special reference to the instruments dealing specifically with human rights, it should in particular be recalled, as the Committee pointed out in 1963, that in providing for methods appropriate to national conditions and practice, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), takes into consideration, *inter alia*, the special problems which may stem from the federal structure of a State.¹

61. These examples show the concern of the I.L.O. in finding methods to promote the wider application of international labour Conventions in countries with a federal constitution in which the central authority does not have all the necessary power to give effect to these instruments.

62. The Committee expresses the hope that the broad indications given above, although they are not intended to be exhaustive, will help to stimulate action throughout all federal States to give the greatest possible effect to the standards of the International Labour Organisation.

¹ 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), pp. 199-200.

PART FOUR

LABOUR INSPECTION IN INDUSTRY, COMMERCE, AND MINING AND TRANSPORT UNDERTAKINGS

**General Conclusions on the Reports concerning the Labour Inspection Convention,
1947 (No. 81), the Labour Inspection Recommendation, 1947 (No. 81), and the Labour
Inspection (Mining and Transport) Recommendation, 1947 (No. 82)**

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INTRODUCTION

HISTORICAL BACKGROUND

1. The introduction of the first laws on the protection of labour is indissolubly linked to the industrialisation of the great powers at the beginning of the nineteenth century. From the adoption of these first laws, often very limited in scope, to the creation of a comprehensive labour legislation and the organisation of effective machinery for supervising its application, progress was gradual and uneven, though it followed on the whole a fairly similar path in most industrially developed countries.

2. To adopt legislation for the protection of labour is one thing; to enforce it is another. This fundamental aspect of the question received attention fairly early from the public authorities of certain countries, and as long ago as 1833 there was an official body for supervising the application of the labour laws in Great Britain. On the continent of Europe other countries took up this movement, which continued to spread until the end of the 19th Century.¹

3. At the international level, at the same time, a movement was coming into existence to harmonise the labour inspection systems in the various countries and to increase their effectiveness; now, perhaps, this movement is reaching fulfilment in the standards adopted by the International Labour Organisation in this field. It may be of some interest to mark some of the essential steps on the way.

4. The year 1890 is important. The conference, attended at Berlin that year by 15 European States for the purpose of adopting international conventions on labour standards, recommended in a protocol that the execution of the measures adopted in each State should be supervised by an adequate number of specially qualified officials, appointed by the government of the country and independent both of the employers and of the workers.²

5. A resolution, to the same effect, was adopted at Zürich in 1897 by an international congress for the protection of labour.³

6. In 1900, at the Paris International Congress for the Protection of Labour—the Congress that gave rise to the International Association for Labour Legislation—the Chairman, in summing up the discussions, stated in particular that the Congress had “recognised that labour inspection was a necessary institution on account of the excellent results that it had produced, and an institution that had won the confidence of the workers”.⁴

7. This question was also one of concern to the first conference of the International Association for Labour Legislation, which was held at Berne in 1905.

¹ See International Labour Office (Basle): *L'Inspection du travail en Europe* (Librairie Berger-Levrault, Paris, 1910), pp. 1 ff.

² *Ibid.*, page IV of the introductory report.

³ *Congrès international pour la protection ouvrière*, Zürich, 1897, p. 245.

⁴ See *L'Inspection du travail en Europe*, op. cit., page V of the introductory report; for the work of the Congress see France, Ministry of Commerce and Industry: *Congrès international pour la protection légale des travailleurs*, held at Paris from 25 to 28 July 1900, *Reports and Minutes of Meetings*, Paris, 1901.

8. The Committee of Experts on the Application of Conventions and Recommendations, after emphasising on a number of occasions that an independent and efficient inspectorate is the best means of ensuring the complete and regular enforcement of national labour legislation, and consequently of the ratified Conventions, expressed the wish that the Governing Body of the I.L.O. should include on the agenda of the Conference the question of adopting an international Convention on labour inspection.¹

9. While these international activities were going on, some countries were establishing labour inspection services; their role was modest at first, but it increased as the years went by.

10. From then on, the case for the establishment of labour inspection systems was winning ground. It remained for the International Labour Organisation to adopt appropriate measures at the international level. Moreover, Part XIII of the Versailles Peace Treaty (1919) which set up the Organisation, stated at Article 427, point 9, among the methods and principles that seemed to the High Contracting Parties to be of special and urgent importance, the following principle:

Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.²

11. In pursuance of this principle, and also to take account at the same time of wishes expressed in various quarters, the Governing Body of the International Labour Office placed on the agenda of the Fifth Session of the Conference (1923) the question of the establishment of general principles for labour inspection. It was at this session that the Conference adopted Recommendation No. 20 concerning the general principles for the organisation of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers.

12. Other Recommendations on labour inspection were adopted at subsequent sessions of the Conference; they included the Labour Inspection (Seamen) Recommendation, 1926 (No. 28), and the Inspection (Building) Recommendation, 1937 (No. 54).

13. As the standard-setting work of the Organisation proceeded, concern was shown that this work should lead to practical results, and the need to adopt a Convention on labour inspection was increasingly felt. A resolution adopted by the Conference at its 20th Session (1936) invited the Governing Body to place on the agenda of the Conference the question of labour inspection which could be "embodied in the text of a Convention guaranteeing strict and effective application" of the national and international social legislation.³

14. At its February 1939 Session the Governing Body decided to place on the agenda of the 26th Session of the Conference (1940), for single discussion, the question of the organisation of labour inspection. One week before the opening of the

¹ I.L.O.: *Summary of Annual Reports Submitted under Article 22 of the Constitution of the International Labour Organisation: Appendix to the Report of the Committee of Experts on the Application of Conventions*, International Labour Conference, 23rd Session, Geneva, 1937 (Geneva, 1937); idem, *Record of Proceedings*, International Labour Conference, 24th Session, Geneva, 1938, p. 490.

² See the text of Part XIII of the Versailles Treaty, in I.L.O.: *Official Bulletin*, Vol. I (April 1919-August 1920) (Geneva, 1923), pp. 332-345.

³ I.L.O.: *Record of Proceedings*, International Labour Conference, 20th Session, Geneva, 1936 (Geneva, 1936), p. 742.

1939 Session of the Conference the Governing Body had called a Preparatory Technical Conference on this subject.¹

15. The session of the Conference arranged for 1940 did not take place on account of the war.

16. The question was not taken up again until the 30th Session of the Conference (1947), which adopted the three instruments that are the subject of this study; namely the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection Recommendation, 1947 (No. 81), and the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82).²

17. The importance attached by the Organisation to the application of these instruments has led the Governing Body for the third time to request reports under article 19 of the Constitution of the I.L.O. on their application.³

18. This picture of the sustained action of an organisation seeking to set up, at national level, tested machinery for the application of social legislation, without which its work would be seriously compromised, would not be complete without the mention of the many resolutions that have been adopted on this subject under its auspices by various conferences and committees.⁴

19. Lastly, there are some international labour Conventions which contain provisions establishing a suitable system of inspection and supervision to ensure their application.⁵

¹ See the Report of the Preparatory Technical Conference in I.L.O.: *The Organisation of Labour Inspection in Industrial and Commercial Establishments*, International Labour Conference, 26th Session, Geneva, 1940 (Geneva, 1939), pp. 359 ff.

² The same session of the Conference adopted the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85). The former non-metropolitan territories becoming members of the I.L.O. to which Convention No. 85 was applicable undertook to continue to apply this Convention until they were able to ratify those provisions of the general Convention (No. 81) which were not applicable to them before their admission to membership. Some of these countries have since ratified Convention No. 81.

Convention No. 85 is still applicable without modification to the following territories: France: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, and St. Pierre and Miquelon; United Kingdom: Aden, Bahamas, Bechuanaland, British Virgin Islands, Dominica, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles, Southern Rhodesia and Swaziland.

³ For the two previous studies of the Committee of Experts on this subject see: I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, International Labour Conference, 34th Session, Geneva, 1951, Report III (Part IV) (Geneva, 1951), pp. 48-54; and *ibid.*, 40th Session, Geneva, 1957, Report III (Part IV) (Geneva, 1957), pp. 153-161.

⁴ These include the resolution on Labour Inspection on Plantations, adopted in 1950 by the Committee on Work on Plantations, *International Labour Code*, Vol. II, Appendix III, p. 624; the resolutions on Labour Inspection and Labour Inspection in Agriculture, adopted in 1946 by the Third Labour Conference of American States Members of the International Labour Organisation, *ibid.*, Vol. II, Appendix IV, pp. 697-702, and the resolution on Labour Inspection, adopted in 1950 by the Asian Regional Conference on the basis of the findings of the Preparatory Conference on Labour Inspection in Asian countries, *ibid.*, Vol. II, Appendix V, pp. 805-807; moreover, the placing of labour inspection problems on the agenda of its Third Session was requested by the Second African Advisory Committee of the I.L.O. (Tananarive, April 1962).

⁵ For example, among the most recent Conventions: the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), Article 10; the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), Article 10 (1); the Indigenous and Tribal Populations Convention, 1957 (No. 107), Article 27 (2) (c); Plantations Convention, 1958 (No. 110); part XI; and the Guarding of Machinery Convention, 1963 (No. 119), Article 15 (2).

RATIFICATIONS AND DECLARATIONS OF APPLICATION

20. The Labour Inspection Convention, 1947 (No. 81), came into force on 7 April 1950, and was ratified by 64 States¹ and declared applicable without modification to 18 non-metropolitan territories.²

REPORTS RECEIVED³

21. Besides the usual reports from States that have ratified the Labour Inspection Convention, 1947 (No. 81), reports on this instrument have been submitted, under article 19 of the Constitution of the International Labour Organisation, by 37 States Members⁴ and on behalf of four non-metropolitan territories.⁵ Reports relating to the Labour Inspection Recommendation, 1947 (No. 81), have been submitted by 88 States Members⁶ and on behalf of 33 non-metropolitan territories.⁷ In connection with the Inspection of Labour (Mining and Transport) Recommendation, 1947

¹ Algeria, Argentina, Austria, Belgium, Brazil, Bulgaria, Cameroon (Western Cameroon), Central African Republic, Ceylon, Chad, China, Costa Rica, Cuba, Cyprus, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Haiti, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Luxembourg, Malawi, Malaysia (Malaya, Sabah, Sarawak), Mali, Malta, Mauritania, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Portugal, Senegal, Sierra Leone, Singapore, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanzania (Tanganyika), Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom, Viet-Nam and Yugoslavia.

² France: Overseas Departments: French Guiana, Guadeloupe, Martinique and Réunion; Netherlands: Netherlands Antilles, Surinam; United Kingdom: Antigua, Barbados, British Guiana, British Honduras, Brunei, Gibraltar, Grenada, Guernsey, Isle of Man, Mauritius, St. Vincent, Solomon Islands.

³ Summaries of these reports will be found in Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations* prepared for the 50th Session of the Conference; and in Report III (Part I): *Summary of Reports on Ratified Conventions*, submitted every year to the Conference.

⁴ Afghanistan, Australia, Burma *, Burundi, Byelorussia, Cameroon (Eastern Cameroon), Canada, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Czechoslovakia *, Dahomey, Ecuador, Ethiopia, Gabon, Hungary, Iran, Ivory Coast, Jordan, Kuwait, Laos, Libya, Malagasy Republic, Mexico, Niger, Philippines, Poland, Rumania, Rwanda, Sudan, Tanzania (Zanzibar), Togo, Ukraine, U.S.S.R., United States, Zambia.

The reports of countries marked with an asterisk in this and the following footnotes arrived too late to be summarised in Report III (Part I).

⁵ Australia (Nauru, New Guinea, Norfolk Island, Papua).

⁶ Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bulgaria, Burma *, Burundi, Byelorussia, Cameroon (Eastern Cameroon), Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia *, Dahomey, Denmark, Ecuador, Ethiopia, Finland, France, Gabon, Federa, Republic of Germany, Ghana, Guatemala, Haiti, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Laos, Luxembourg, Malawi, Malaysia (Malaya, Sarawak), Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigerian Norway, Pakistan, Peru, Philippines, Poland, Portugal *, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, United States, Yugoslavia, Zambia.

⁷ Australia (Nauru, New Guinea, Norfolk Island, Papua); New Zealand (Cook Islands, Tokelau Islands); Netherlands (Surinam); United Kingdom (Aden, Antigua, Bahamas, Barbados *, Basutoland, Bechuanaland, Bermuda, British Honduras, Brunei, 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).

(No. 82), the number of reports received is 86 from States Members ¹ and 33 on behalf of non-metropolitan territories.²

22. In this study account has been taken both of the reports submitted by States which have ratified the Convention and of the information supplied by States which have not ratified it. Altogether, then, this study of the action taken on all or some of the instruments in question concerning labour inspection covers 138 countries, consisting of 102 States Members and 36 non-metropolitan territories.

CONTENTS OF THE REPORTS

23. The instructions on the report forms approved by the Governing Body of the Office that have been used by the Governments concerned in preparing their reports under article 19 of the Constitution have in general been followed. It is true that the extent of the information submitted in answer to these forms varies very considerably from country to country, but, except for certain aspects of the problems raised by the labour inspection systems, which will be pointed out in this study, the information made available to the Committee has been detailed enough to allow an appraisal of the measures taken to give effect to the instruments under consideration.

OUTLINE OF THE STUDY

24. A reading of the text of the Labour Inspection Convention and the two supplementary Recommendations makes clear the fundamental problems raised by the organisation and operation of any labour inspection system that is intended to meet its purpose fully: these include the method of applying the inspection system, the scope, the functions of labour inspection, the organisation of inspection services, staff, powers and duties of these services and infringements and penalties for obstructing inspection staff in the performance of their duties, etc.

25. A chapter will be devoted to each of these matters, and the application of the corresponding provisions in the instruments under consideration will be examined from the points of view both of national legislation and of practice, as far as the information available allows. In this connection it should be pointed out that the footnotes, in view of the large number of countries covered by the study, could not take in every possible case without weighing down the text. Their purpose is simply to throw light on the scope of the provisions contained in the instruments and the

¹ Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bulgaria, Burundi, Byelorussia, Cameroon (Eastern Cameroon), Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia *, Dahomey, Denmark, Ecuador, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Ghana *, Guatemala, Haiti, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Laos, Luxembourg, Malawi, Malaysia (Malaya, Sarawak), Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal *, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, United States, Yugoslavia, Zambia.

² Australia (Nauru, New Guinea, Norfolk Island, Papua); New Zealand (Cook Islands, Tokelau Islands); Netherlands (Surinam); United Kingdom (Aden, Antigua, Bahamas, Barbados *, Basuto-land, Bechuanaland, Bermuda, British Honduras, Brunei, 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).

application of these provisions, illustrating, where necessary, contradictions observed in national legislation, through the most representative examples possible.

26. After an analysis of the difficulties encountered and the progress made in the implementation of the instruments with which this study is concerned the study will end with a chapter presenting the final conclusions of the Committee.

CHAPTER I

METHODS OF APPLICATION AND SCOPE OF THE INSTRUMENTS RELATING TO LABOUR INSPECTION

METHODS OF APPLICATION

27. Articles 1 and 22 of the Labour Inspection Convention (No. 81) place on each Member of the International Labour Organisation for which the Convention is in force the obligation of maintaining a system of labour inspection in industrial workplaces and commercial workplaces.¹

28. The organisation of labour inspection is universally accepted today as being an essential responsibility of the public authorities. This principle is most clearly seen in their action in almost all countries to organise and ensure the operation of the labour inspection services.

29. Most countries have a labour inspection system organised by legislation. It remains only to examine the nature and form of the regulations issued under this legislation.

30. Some of the few exceptions to the general rule of a labour inspection system in all the countries submitting reports may, however, be pointed out at the beginning. The exceptions relate in particular to certain countries and territories in which the absence of inspection services is due, it appears, to the small area or the lack of diversification in economic activity.²

31. The measures adopted for the organisation of labour inspection services appear in many countries³ in the form of general texts, such as labour codes or

¹ With regard to commercial workplaces, any Member ratifying the Convention may, by a declaration, exclude them from ratification (Article 25 (1) of the Convention).

² The Aden report states that family undertakings form the majority and that the expense that would be involved in the establishment of inspection services would not be justified in view of the limited scope that they would have; in Afghanistan there does not exist at present any system of labour inspection. Although the establishment of such a system is envisaged, the report indicates that as most of the industry of the country is controlled, directly or indirectly, by the Government, work inspection would have only a limited role to play; Basutoland: the report states that there is no provision giving effect to the Convention, but adds that new legislation in preparation will meet its requirements; Laos: the Government states that there is no labour inspection service in the country; St. Helena: an earlier government report states that the size of the industrial undertakings and the very limited number of wage earners do not justify the establishment of a labour inspection service; Tanzania (Zanzibar): the government report states that there is no legislation giving effect to the instruments in question. Zanzibar is essentially an agricultural country with a few small industries, and suitable standards concerning safety and conditions of work can be applied to these industries without the necessity of resorting to a labour inspection service.

³ Cameroon (Eastern Cameroon), Central African Republic, Chad, Costa Rica, Dahomey, Denmark, Ethiopia, Gabon, Federal Republic of Germany, Republic of Guinea, India, Liberia, Malagasy Republic, Mali, Mexico, Nicaragua, Niger, Norway, Senegal, Syrian Arab Republic, Togo, Turkey, United Arab Republic, Viet-Nam, Yugoslavia.

workers' protection acts, with a division devoted to these services, though there may also be specific texts relating to highly specialised systems of inspection.¹ These general texts may be supplemented by specific texts to organise labour inspection, either in industry and commerce or in certain specific sectors of economic activity.² In other countries³ every law or regulation calling for supervision contains provisions concerning its application by the labour inspectorate.

32. The existence of texts to organise labour inspection, however, whether they take the form of legislation or of regulations, does not in itself constitute a full guarantee of a properly working system. Labour inspection is principally a matter of action.

33. It does not end with the formal texts, and great importance must be attached to administrative practice. In this connection a number of countries have indicated the instruments, circulars and orders issued by the central administration to the inspectors to guide their everyday activity and increase its effectiveness. In certain countries⁴ a practical manual has been issued for labour inspectors and it constitutes a real guide to the profession.

SCOPE

Scope of the Convention

34. Article 2, paragraph 1, of Convention No. 81 provides that the system of labour inspection in industrial workplaces shall apply to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.

35. The Convention, then, is concerned essentially with industrial workplaces. With regard to commercial workplaces, Article 22 (in Part II, Labour Inspection in Commerce) of the Convention requires that each Member for which Part II of the Convention is in force shall maintain in commercial workplaces a system of labour inspection which, under Article 24, must comply with the provisions governing labour inspection in industry to the extent that these are applicable. Article 25, paragraph 1, however, provides that any Member which ratifies the Convention may, by a declaration appended to its ratification, exclude Part II from its acceptance of the Convention, though the declaration may at any time be cancelled by a subsequent declaration.

36. Mining and transport undertakings or parts of them may be exempted by national laws or regulations from the application of the Convention (Article 2 (2)).

¹ For example: Australia (Southern Australia) (Scaffolding Inspection Act, 1934); Canada (British Columbia) (Act for inspection of electrical installations); Hungary (Ordinance No. 29 of 7 June 1960 on the inspection of boilers).

² Argentina, Belgium, Bulgaria, Congo (Leopoldville), Ethiopia, Finland, France, Greece, Indonesia, Iran, Iraq, Israel, Italy, Luxembourg, Morocco, Poland, Portugal, Rumania, Spain, Switzerland, U.S.S.R. and Yugoslavia.

³ Ceylon: sections 12, 99 and 50 respectively of the Maternity Benefits Ordinance, No. 32 of 1939, the Factories Ordinance, No. 45 of 1942, and the Shop and Office Employees Act, No. 19 of 1954, contain similar provisions on inspection. See also Cyprus, Jamaica, Pakistan, New Zealand and United Kingdom and most of its non-metropolitan territories.

⁴ In the United States an edition of an Inspection Manual was published in December 1963 by the Federal Department of Labor. This manual deals, from the practical point of view, with the role, powers and duties of the inspectors among other things, and includes instructions on the procedure governing inspection visits and on co-operation between the inspection service and other bodies, etc. There is a similar manual in the Philippines. Note should be taken of the work published by the International Labour Office: *Guide for Labour Inspectors* (Geneva, I.L.O., 1955).

37. Consideration of the above-mentioned provisions of this Convention shows that its scope, unlike that of other instruments, is not uniformly established. Governments have full liberty to determine the workplaces that shall be subject to supervision by the labour inspectorate.¹ A resolution, however, was adopted at the 30th Session of the Conference (1947), which, observing that the scope of application of the Convention as defined might leave governments free to exclude large numbers of workers from the application of the Convention and that all workers in industrial and commercial undertakings were in need of the protection afforded by the appointment of an inspectorate to enforce proper conditions of work, urged the governments to apply to all workers employed in the undertakings in question the legal provisions for the protection of workers which were enforceable by labour inspectors.²

38. Convention No. 81 does not apply to agriculture. It should be pointed out, however, that this sector is covered by the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85). But the definition of the geographical scope of application of this instrument considerably limits its bearing. The I.L.O. has considered this question repeatedly, and various meetings held under its auspices have drawn the attention of governments, in resolutions or conclusions, to the need to envisage the extension of their labour inspection systems to agriculture or the establishment of a similar system for this field of activity.³

39. A study of national laws and regulations and of the information submitted by the governments in their reports makes possible the classification of the countries into two large groups determined by the scope of their labour inspection systems. There are systems of general scope applying in principle to all branches of activity covered by the Convention (industry, commerce, mining and transport). Other systems apply only to industry, including mining and transport undertakings. This distinction has to be blurred to some extent to take into account the exclusion from the scope of the labour inspection systems, even the general systems, of specific classes of establishments.

General Systems of Labour Inspection

40. In countries where there is a body responsible for supervising the application of labour legislation, industrial and commercial undertakings, mining and transport undertakings and even agriculture are generally subject to supervision by this body. It is significant in this connection that, of the 64 States Members that have ratified

¹ The Preparatory Technical Conference on the Organisation of Labour Inspection, after observing the considerable divergencies in the scope of the various systems of labour inspection, expressed the view that the best solution in an international instrument "was to concentrate on the laying down of principles for the organisation of inspection systems, leaving it to the various countries to determine the scope of inspection systems organised in accordance with those principles . . ." (see I.L.O.: *Preliminary Report: The Organisation of Labour Inspection in Industrial and Commercial Undertakings*, International Labour Conference, 26th Session, Geneva, 1940, Chapter II (Report of the Preparatory Technical Conference), I.L.O., Geneva, 1939, pages 363 and 364).

² See the text of the resolution in I.L.O.: *Record of Proceedings*, International Labour Conference, 30th Session, Geneva, 1947 (Geneva, 1948), p. 587; and for the discussions on the scope of labour inspection: *ibid.*, p. 498.

³ See Fourth and Fifth Conferences of American States Members of the International Labour Organisation, held respectively at Montevideo in 1949 and at Petropolis (Brazil) in 1952: I.L.O.: *Official Bulletin*, Vol. XXXII, No. 2, 15 July 1949, Resolution No. 1 concerning the conditions of employment of agricultural workers in the Americas, p. 56; *ibid.*, Vol. XXXV, No. 1, 20 June 1952, Resolution No. 1 concerning the application and supervision of labour legislation in agriculture, pp. 4-8. See also Fifth Session of the Permanent Agricultural Committee (Paris, September 1955), *idem*: Report of the Permanent Agricultural Committee, Fifth Session, Paris, 1-10 September 1955, para. 57.

the Labour Inspection Convention (No. 81), only 14 States¹ have excluded Part II (Labour Inspection in Commerce), under Article 25, paragraph 1, of the instrument. It should also be pointed out that in certain countries that are bound only by Part I of the Convention (Labour Inspection in Industry) commercial workplaces are not excluded absolutely from the labour inspection system.²

41. The formal definition of the scope of the labour inspection system varies from country to country. It is established in relation to all undertakings employing "workers" or "wage earners", who are defined as being persons giving their services to an employer, whatever the status of the latter, in return for remuneration.³ In other cases⁴ there is a list of undertakings subject to supervision by the inspectorate or a definition of these undertakings flexible enough to encompass all branches of activity covered by the Convention.

Inspection Systems Applying Mainly to Industry

42. As has already been stated, inspection systems, where they exist, cover at the same time both industry and commerce in the great majority of cases. Some systems, however, apply mainly to industrial undertakings, commercial undertakings being subject to inspection only in certain respects.

43. In one case⁵ it seems that the commercial sector is entirely outside the competence of the labour inspection service.

¹ Cameroon (Western Cameroon), China, Cyprus, India, Ireland, Jamaica, Malta, New Zealand, Nigeria, Sierra Leone, Switzerland, Tanzania (Tanganyika), Uganda and United Kingdom.

² United Kingdom: The Offices, Shops and Railway Premises Act, 1963, which came into force on 1 August 1964, includes work in commercial establishments within the scope of factory inspection. However, the Government has indicated in its report that Part II of the Convention cannot be accepted until a Bill along the same lines is introduced in Northern Ireland. In Switzerland, according to the report of the Government, a new Act respecting work in industry, arts and crafts and commerce, adopted on 13 March 1964, which came into force in 1966, will make it possible to extend the scope of the labour inspection system.

³ Cameroon (Eastern Cameroon) (section 1 of the Labour Code of 15 December 1952) and other former non-metropolitan territories of France that have become States Members of the Organisation; Costa Rica (section 1 of Decree No. 42 of 16 August 1949); Cuba (sections 4 and 5 (b) of Act No. 1021 of 27 April 1962); Czechoslovakia (section 1 (1) of the Act of 12 July 1951); Denmark (section 1 (1) of Act No. 226 of 11 June 1954); Finland (section 1 of the Act of 28 June 1958); Guatemala (section 278 of the Labour Code); Hungary (section 5 of the 1951 Labour Code as amended); Israel (section 1 of the Act of 25 August 1954); Norway (section 1 of Act No. 2 of 7 December 1956); Sweden (section 1 of Act No. 1 of 3 January 1949); United Arab Republic (section 4 of the Labour Code; Yugoslavia (section 1 of the Decree of 4 April 1965).

⁴ Belgium (the three systems of inspection—social, technical and medical and chemical—are general in scope; mining, however, is not subject to the first two); Bulgaria (section 4 of the Labour Code: the labour inspection service must ensure that "undertakings, establishments and organisations" fulfil their obligation to give effect to the Code); Ceylon (report of the Government for the period 1957-58); France (labour inspection applies, under sections 1 and 82 read together Book II of the Labour Code, to industrial and commercial undertakings and their subsidiaries); Federal Republic of Germany (according to the first report of the Government on the application of the Convention, for the period 1956-57, the labour inspection system applies to industrial and commercial workplaces); Greece (Decree No. 2954 of 1954 applies labour inspection to all workplaces); Italy (section 1 of Royal Decree No. 3245 of 30 December 1923 applies to industrial and commercial undertakings, offices and agriculture); Japan (section 97 of Law No. 49 of 5 April 1947 lists the undertakings subject to supervision by the labour inspectorate); U.S.S.R. (the government report states that labour inspection covers all administrations and undertakings and all officials without exception); United States (according to the government report, the federal labour inspection service applies generally to industry, commerce, mining and transport. In certain states (e.g. Montana, Mississippi and New Mexico) inspection applies only to industry).

⁵ China (The Government stated in its first report on the application of the Convention, for the period 1962-64, that there was no provision giving effect to Part II of the Convention).

44. The competence of these services in most countries that have not accepted Part II of the Convention (Labour Inspection in Commerce) nevertheless extends to commercial establishments, though to a smaller degree than it does to industry. Thus in Tanzania (Tanganyika) ¹ the role of labour inspection in commerce is generally confined to supervising the application of the laws or regulations concerning wages. In Cyprus ² and Ireland ³ the competence of labour inspection with regard to commercial undertakings is wider: it includes in the first country the employment of women, children and young persons and, in the second, holidays with pay.

45. However this may be, the information supplied under Article 25, paragraph 3, of the Convention by the governments concerned regarding the state of national law and practice in respect of the provisions of Part II of the Convention shows a tendency to subject the application of the legislation on office workers to supervision by the labour inspectorate. This tendency is confirmed by the prospects of ratifying Part II of the Convention that exist in some countries.⁴

¹ Tanzania (Tanganyika) (government report for the period 1957-58).

² Cyprus (government report, 1957-58).

³ Ireland (government report, 1959-61), Office Premises Act, 1958.

⁴ Ireland (in its report for the period 1956-57, the Government announced the adoption of an Act intended to give office workers the same protection by the Labour Inspectorate as industrial workers. The report for the period 1959-61 stated that the possibility of ratifying Part II of the Convention on the basis of the 1958 Office Premises Act was being studied). New Zealand (the Government, according to its report for the period 1961-63, will in due course study the possibility of accepting Part II of the Convention). Switzerland (the coming into force in 1966 of the Act adopted on 13 March 1964 will, according to the government report, make it possible to extend the field of labour inspection to commerce). United Kingdom (according to the 1963-65 report, the possibility of accepting Part II of the Convention is envisaged).

CHAPTER II

FUNCTIONS OF LABOUR INSPECTION

46. Articles 3, 5 and 14 of the Labour Inspection Convention, 1947 (No. 81), and Parts I, II and III of Recommendation No. 81 lay down the definition of the duties of the labour inspectorate. A study of these provisions makes it possible to distinguish various functions of labour inspection, namely supervision of the application of labour inspection, prevention, and co-operation with other public and private institutions, particularly with the employers and workers or their organisations. If further duties are entrusted to labour inspectors, they shall not, under Article 3, paragraph 2, of Convention No. 81, be such as to interfere with the effective discharge of their primary duties. It is therefore desirable also to examine the further duties that generally fall to the labour inspectorate in the various countries.

SUPERVISION OF THE APPLICATION OF LABOUR LEGISLATION

47. Article 3, paragraph 1 (*a*), of Convention No. 81 provides that the functions of the system of labour inspection shall be to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors.¹

48. The Convention thus leaves each country free to decide, in its own national legislation, the extent to which the provisions of the Convention are to be enforceable by the labour inspectors. In fact, the amount of supervision of the enforcement of legislation by labour inspectors varies appreciably from country to country, on the one hand there being supervision of the enforcement of measures concerning only industrial health and safety and on the other the supervision of the enforcement of legislation of a far wider nature.

49. Most countries² entrust the labour inspection services with the function of enforcing the legal provisions concerning conditions of work and the protection of workers while engaged in their work, whether this function is stated in a general way or relates to the enforcement of a specific comprehensive text. Certain other coun-

¹ The text of Article 3 (1) (*a*) of the Convention, as submitted by the Office to the Conference Committee, included a list, in 11 points, of matters for which the relevant legal provisions should be enforceable by labour inspectors. While certain members of the Committee proposed that the list should be deleted, others wished to have further matters added to it. An amendment having the effect of substituting a "short general formula" for an illustrative list was adopted. (I.L.O.: *Record of Proceedings*, International Labour Conference, 30th Session, Geneva, 1947, p. 499.)

² Bulgaria (section 7 (*a*) of the Regulations of 11 July 1958: the labour inspection services shall exercise direct supervision to ensure that the labour legislation enacted in the field of occupational safety and health is fully observed and that the rights of wage and salary earners are guaranteed in the

tries¹ establish a list of the matters for which the relevant legal provisions are enforceable by the labour inspectors, and this list as a rule covers the points referred to in Article 3, paragraph 1 (a), of Convention No. 81.

50. In some countries, where the labour inspectors are responsible for supervising only certain specific laws, the functions of labour inspection are less general. Such a country is New Zealand², where the number of these laws is high enough to make the role of labour inspection in the enforcement of labour legislation seem quite extensive. However, their role is generally limited in the states of the United States.³

51. There is not enough information available to state to what extent the labour inspectors are competent to enforce legal provisions relating to conditions of work other than those relating to the health and safety of workers. Thus, in Hungary, section 92 of the Labour Code provides that there shall be a constant check on the observation of the rules governing labour protection and that the Minister of Health and the National Trades Union Council shall be responsible for organising and directing the supervision. The government report states, in another connection, that the trade unions have set up a special inspection system to secure the enforcement of the legal provisions relating to the health and safety of workers while engaged in

undertakings, institutions and organisations within the competence of the service); Byelorussia (according to the government report, the national legislation prescribes, for all undertakings in the various branches of the economy, an inspection service based on the supervision of the enforcement of decisions relating to conditions of work and the protection of workers while engaged in their work); Costa Rica (section 1 of Decree No. 42 of 16 August 1946: . . . to ensure the enforcement of the legal provisions respecting labour); Denmark (section 47 (1) of Act No. 226 of 11 June 1954: supervision of compliance with the provisions of the Act and the provisions made thereunder shall be exercised by the labour inspectorate); Greece (section 1 (1) of Decree No. 2954 of 1954: . . . to supervise the enforcement of the labour legislation); Italy (section 1 of Legislative Decree No. 3245 of 30 December 1923: . . . to supervise the enforcement of all Acts relating to labour and social welfare).

See also Belgium (sections 2, 3, 4 and 6 of the Royal Order of 23 December 1957); Finland (section 2 of the Resolution of the Council of State dated 4 March 1927); Japan (section 97 of Law No. 49 of 5 April 1947); Haiti (section 495 of the Labour Code); Norway (section 54 of Act No. 2 of 7 December 1956); Turkey (section 91 of the Labour Code); U.S.S.R. (government report); Yugoslavia (section 90 (1) of the Decree of 4 April 1965).

¹ Ethiopia (section 4 (1) of Order No. 37 of 1964: the labour inspection services are entrusted with the duty of ensuring the observance by the employers of the legal provisions relating to conditions of work, particularly those concerning the safety, health and welfare of the workers, hours of work, holidays, and maternity); France (section 1 of the Decree of 27 April 1946: the local labour and manpower services shall be responsible, within the framework of existing regulations, for supervising the application of the provisions of laws and regulations concerning, in particular, conditions of employment, health and safety of employees . . . the employment of manpower, etc.); Luxembourg (section 3 of the Order of 26 March 1945: the labour inspectorate is responsible for ensuring, through effective and continuing supervision, the application of provisions contained in laws or agreements concerning conditions of work and the protection of workers while engaged in their work, namely: hours of work, weekly rest, health and safety, the supervision of apprentices, etc.); Portugal (section 2 of Legislative Decree No. 37245 of 27 December 1948: the functions of the labour inspectorate shall include: supervision of the observance of the laws, regulations, government orders, collective employment agreements, contracts of employment and, in general, all rules relating to hours of work and weekly rest, health, the hygiene and safety of workplaces, etc.).

² New Zealand (in its first report on Convention No. 81, the Government listed 12 laws enforceable by the labour inspectorate in addition to numerous regulations and orders. Mention may be made of the Annual Holidays Act, 1944, and the Factories Act, 1946); Gibraltar, the Solomon Islands and several other non-metropolitan territories of the United Kingdom come into the same class.

³ United States (for example, in Mississippi, only the laws on the employment of women and children are enforceable by the labour inspectorate; in Nevada, it is the measures relating to health and safety. See the government report for 1950, which is referred to in the 1965 report. The federal inspection services are competent to enforce the Fair Labor Standards Act and the Public Contracts Act, which both deal mainly with minimum wages, overtime and the employment of children and young persons).

their work. In Czechoslovakia the Act containing provisions for organising labour inspection is the Act respecting Occupational Safety dated 12 July 1951, section 5 (1) of which provides that the supervision of occupational safety shall be carried out by the labour inspection officials of the Unified Trade Union Organisation.

52. The extent of the legislation enforceable by the labour inspectors, though it generally meets the requirements of the Convention, is sometimes restricted by the deliberate withholding of certain matters from the competence of the inspectorate. These matters include wages, which in the Federal Republic of Germany¹ and Sweden², for example, do not come within the competence of labour inspection.

PREVENTIVE DUTIES OF LABOUR INSPECTORATES

53. The preventive action of the labour inspectorates intervenes before the opening of new establishments or the putting into operation of new manufacturing processes; it applies also to industrial accidents and occupational diseases.

Opening of New Establishments

54. Part I of Recommendation No. 81 provides in effect that national legislation should grant labour inspectors the right to express opinions on plans and projects for new establishments and processes of production and to make their implementation subject to the carrying out of any alterations ordered by the inspectorate for the purpose of securing the health and safety of the workers.

55. These provisions of the Recommendation are applied in many countries³, where the previous agreement of the labour inspectorate is required before the opening of new establishments. The decision of the inspectorate is subject to the right of appeal, when appropriate, to a higher authority. In certain countries⁴ a declaration of the opening of an establishment, for the purpose of registration, seems to be all that is required. Intervention by the labour inspection service takes place in Italy⁵ only where the undertaking employs more than three workers, and in

¹ Federal Republic of Germany (government report on the application of the Convention for the period 1950-51).

² Sweden (government report, 1956-57); it is the same in Hong Kong (government report 1961-63).

³ Austria (Ordinance of 1859 respecting Arts and Crafts); Belgium (sections 1 and 8 of the Order of 11 February 1946); Bulgaria (section 101 of the Labour Code); Czechoslovakia (section 6 of Act No. 67 of 1951); Federal Republic of Germany (sections 14, 16, 18 and 24 of the Industrial Code); Hungary (section 82 of the Labour Code); India (section 7 of the 1948 Factories Act); Israel (section 64 of the 1946 Order on Industrial Safety); Jamaica (sections 8 to 11 of the Factories Act); Malawi (Factories Act); Nigeria (section 9 of the Factories Act); Peru (Presidential Decree No. 9 of 30 September 1953); Singapore (sections 9 and 10 of the Factories Ordinance); Sweden (section 6 of Royal Decree No. 208 of 6 May 1949); Switzerland (section 8 of the Act of 13 March 1964); U.S.S.R. (Article 133 of the Labour Code and the Decision of the Council of Ministers of 23 January 1962); United Arab Republic (government report); United Kingdom (sections 79 and 137 of the 1961 Factories Act).

⁴ Haiti (section 489 of the Labour Code: declaration forms shall be returned to the directorate of labour within eight days of the opening of the establishment); Mali (section 360 of the Labour Code provides that a declaration shall be made to the labour inspectorate for the opening of new establishments and that a ministerial order shall prescribe the modes of application).

⁵ Italy (section 48, paragraph 1, of Decree No. 303 of 19 March 1956: the obligation placed on the employer to notify the labour inspectorate in advance of projects and plans for new installations exists, but only in respect of industrial activities employing more than three persons).

Norway¹ only at the request of the employer. In the Syrian Arab Republic, according to the government report, it is the responsibility of authorities other than the labour inspectorate to act before the opening of new establishments.

56. The Governments of three States² indicate that the national legislation does not give effect in their countries to Part I of Recommendation No. 81.

Prevention of Industrial Accidents and Occupational Disease

57. According to Article 14 of Convention No. 81, the labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations. The purpose of this provision is to enable labour inspectors to carry out surveys on industrial accidents and cases of occupational disease and to have the proper steps taken to prevent their occurrence.

58. In general, the provisions of the Convention are applied in the various countries. However, the manner of notifying the labour inspectorate of industrial accidents and cases of occupational disease varies from one country to another, as does the time-limit within which the notification must be made. All industrial accidents and all cases of occupational disease may be made the subject of a statement to the labour inspectorate, directly or indirectly, with or without a time-limit.³ In some cases only industrial accidents must be notified to the labour inspectorate.⁴ In some countries accidents and cases of occupational disease must be reported only in serious cases where the death or permanent incapacity of one or more workers has been caused.⁵

¹ Norway (section 16 of Act No. 2 of 7 December 1956: any person who intends to construct, start operations in or convert an establishment which comes within the scope of this Act . . . and any person who intends to bring into use any new . . . working appliance . . . shall be entitled to submit the plan of the construction to the inspectorate to ascertain whether it considers that the carrying out of the plan is consistent with the provisions of this Act).

² Guatemala, Luxembourg, Rwanda.

³ Central African Republic (section 14 of Law No. 65-66 of 25 June 1965); Congo (Brazzaville) (section 141 of the Labour Code); France (section 472, paragraphs 2 and 4, of the Decree of 10 December 1956: the employer must declare any accident which comes to his knowledge within 48 hours to the Primary Social Security Fund; notification of the accident must be given immediately by the Fund to a competent labour inspector. The same provisions apply to occupational disease, with the difference that the time-limit for notification to the Primary Fund is 15 days); India (sections 88 and 89 of the Factories Act); Luxembourg (section 17 of the Order of 26 March 1945; all industrial accidents and cases of occupational disease must be reported to the chief engineer of the labour directorate. Notification of fatal accidents or accidents which cause incapacity for work must be made immediately); Morocco (section 11 of the Dahir of 25 June 1927 and section 6 of the Dahir of 31 May 1943); Mauritania (Labour Code, Book II, section 56: the employer shall notify the labour inspector within 48 hours of every industrial accident or case of occupational disease); Nigeria (sections 56 and 58 of the Factories Ordinance No. 33, 1955); Singapore (sections 5 and 13 of the Workmen's Compensation Ordinance, No. 5, 1951); Spain (section 14 of the Act of 21 July 1962); Switzerland (section 5, paragraph 2, of Ordinance of 12 August 1937); Upper Volta (section 145 of the Labour Code); French Overseas Territories (section 137 of the Act of 15 December 1952).

⁴ Haiti (section 578 of the Labour Code; such notification is made to the social insurance institution and not to the labour inspectorate. Observations by the Committee in 1965); Zambia (section 10 of the Safety in Factories Regulations).

⁵ Belgium (section 24 of the Act of 24 December 1903: the labour inspector must be notified in writing within three days of any accident having caused death or incapacity for work); Czechoslovakia (section 2 (1) (c) of the Act of 12 July 1901: immediate notification of serious accidents); Sweden (section 5 of Royal Decree No. 208 of 6 May 1949: accident having caused death or serious injury or affecting more than one wage earner); Ukraine (according to the government report, in case of

59. In countries where full effect is not given to Article 14 of the Convention, but which are bound by the Convention, the gaps in the legislation in this connection have given rise to comment on the part of the Committee.

COLLABORATION WITH OTHER BODIES

60. Apart from its function of enforcing the application of labour legislation and its preventive duties, the very nature of its work brings the labour inspection service, from time to time, into co-operation with the parties principally concerned with the enforcement of social legislation, and in particular with other institutions whose aims are similar to its own, above all the employers' and workers' organisations as well as with their members.

Collaboration with Institutions Engaged in Similar Activities

61. According to Article 5 (a) of Convention No. 81, the competent authority shall make appropriate arrangements to promote effective co-operation between the inspection services on the one hand, and other government services and public or private institutions engaged in similar activities, on the other hand.

62. The need for such collaboration is so evident that some governments¹ have felt that it was not necessary to make special provision therefor. According to the information received from the governments, the collaboration thus defined in the Convention is an almost universal practice. Only a few examples can be given here. As will be seen later, there may be several inspection services in a given country, each covering a given branch of economic activity, or specialised inspection services to supervise the enforcement of specific provisions in the same undertakings. In several countries², the general labour inspectorate, the mines inspectorate and the transport inspectorate are different services depending on different central authorities. In Belgium³ the social, medical and chemical, technical and mining inspection services find themselves covering exactly the same ground; the first three are placed under the authority of the Ministry of Employment and Labour; mining inspection, in so far as concerns its labour inspection activities, is placed under the joint control of the Ministry of Employment and Labour and of the Ministry for Economic Affairs.

63. The very structure of some national labour administrations implies close collaboration between the various supervisory bodies if the necessary and desirable standardisation of inspection principles is to be observed. The existence of public or private research bodies for safety and health in labour, or which deal with the pre-

fatal accidents or accidents involving several persons, the head of the undertaking is bound to inform the labour inspector immediately); United Kingdom (sections 80-85 of the Factories Act, 1961: accidents having caused loss of life or having disabled a person employed in the factory for more than three days); Yugoslavia (section 52 of the Act of 28 December 1958: serious accidents).

¹ Luxembourg (in its first report on the Convention, the Government indicated that the activities of the labour inspection system are characterised by constant collaboration with all those concerned, but that it had not been found necessary to regulate such collaboration by special provisions); Sweden (first report, 1950-51: Article 47 of the Constitution contains a general provision on collaboration with public authorities which makes it superfluous to enact special provisions for collaboration between the inspection services and other government services).

² For example, Greece (section 1 (1) of Decree No. 2954 of 14 August 1954 and report under article 19 of the Constitution of the I.L.O. submitted in 1950); New Zealand (government report).

³ Belgium (sections 1, 2 and 4 of the Royal Order dated 23 December 1957 and the Order of 27 January 1959).

vention of industrial accidents and occupational disease, is another imperative of co-operation. Such co-operation takes place in particular with institutions of a scientific nature ¹, approved private bodies responsible for the technical supervision of some kinds of plant ², public health services ³ and the social security institutions.⁴

64. Co-operation between inspection services may even extend beyond the boundaries of the national territory; in this connection, it is interesting to note the periodic meetings held by the inspection services of the Nordic countries, at which views are exchanged on the various aspects of labour inspection problems.

Notification to the Competent Authority

65. According to Article 3 (1) (c) of Convention No. 81, one of the functions of the system of labour inspection is to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

66. Nearly all the countries for which information is available give effect to this provision of the Convention, either in their laws or regulations or through practical arrangements. In the performance of their duties, labour inspectors are naturally led to study all the problems which arise in their field of competency and submit any suggestions they see fit to their hierarchical superiors in their periodic reports. The information supplied by the various governments agrees on this point.

Collaboration between the Labour Inspection Services and Employers and Workers

67. Collaboration between the labour inspection services and employers and workers is contemplated in Articles 3 (1) (b) and 5 (b) of Convention No. 81 and in Part II of Recommendation No. 81. According to these provisions, the competent authority must make appropriate arrangements to promote co-operation between officials of the labour inspectorate and employers and workers or their organisations. Such arrangements may consist, in particular, of setting up conferences or joint committees in which representatives of the labour inspectorate could act as advisers to promote better understanding and better application of labour legislation, particularly those provisions which relate to the health and safety of workers.

68. The effectiveness of the action undertaken by the labour inspectorate depends to a large extent on the degree to which representatives of employers and workers are associated with it. The information contained in the reports shows that governments fully appreciate how important this is. Wherever workers' and employers' organisations exist, arrangements seem to have been made to ensure co-operation between these organisations and the inspection services, at national or undertaking level.

¹ Czechoslovakia (co-operation with the Labour Safety Research Institute); Israel (report for 1956-57: the labour inspectorate is represented in the National Safety and Hygiene Institute).

² France (collaboration with private bodies responsible for fire prevention and the supervision of pressure vessels, hoisting appliances or electrical equipment and wiring).

³ Bulgaria (section 15 (a) of the Regulations of 11 July 1958: in the performance of his duties, the labour inspector must maintain close contact with the health and epidemiological bureaux); Finland (section 4 of the Act of 4 March 1927: collaboration between the labour inspection and local medical officers).

⁴ France (Ministerial Instructions dated 1 and 5 March 1948 specify the methods of co-operation between labour inspection and social security institutions); Portugal (section 2 of Legislative Decree 43.182 of 23 September 1960: co-operation with social welfare institutions); Switzerland (government report: co-operation with the National Industrial Accident Fund).

69. In many countries ¹ tripartite committees have been set up at the national level which include representatives of the labour inspectorates and the employers' and workers' organisations and are generally called upon to examine problems affecting labour, give their opinion and submit proposals for future regulations. In other countries similarly constituted bodies have been set up, but they deal, more particularly, with problems relating to the health, hygiene and safety of workers.²

70. It is, however, at the level of the undertaking that the co-operation between labour inspectors and employers and workers can find full scope. The national legislations of many countries ³ provide for health and safety committees to be set up in important industrial undertakings. Their role consists in general of supervising the enforcement of safety and health measures, taking such measures or proposing them to the employer, investigating industrial accidents and cases of occupational disease and exploring ways and means of preventing them. The safety and health committee co-operates closely with the labour inspection services during inspection visits. The intervention of labour inspectors in the work of such committees is often provided for by law. For example, the committee may request the labour inspector to be present at its meetings.⁴ The committee's minutes and its reports on industrial accidents are entered in a register kept at the disposal of the labour inspectors ⁵, who may ask the committee for any information they need in order to discharge their duties.⁶

71. With regard to the steps taken by health and safety committees or similar bodies to ensure the prevention of accidents and occupational disease, many countries have stated in their reports that Paragraph 7, Part II, of Recommendation No. 81 is given effect by the organisation of prevention campaigns and health and safety exhibitions.

72. The object of the inspection services as described here should, in accordance with the Convention, be essentially to supervise the enforcement of labour legislation, to advise employers and workers and to inform the competent authorities. In many countries, however, further duties are entrusted to the labour inspectorates extending beyond these limits.

¹ Such is the case in particular for the former French non-metropolitan territories which are now Members of the I.L.O. and where advisory labour committees have been set up. Similar committees exist, for example, in Nigeria, Pakistan and Uganda.

² Belgium (the General Regulations on the Protection of Workers established services for safety and health in workplaces and their improvement); Czechoslovakia (Co-ordination Committee of the Ministry for Labour and Social Welfare); India (Permanent Committee on Labour Standards); Italy (Permanent Consultative Committee for the Prevention of Accidents at Work and Occupational Diseases); Ivory Coast (National Technical Committee for Health and Safety in Labour); Mali (National Social Welfare Institute); Switzerland (Federal Factory Commission); United Kingdom (joint standing committees of the Ministry of Labour).

³ China; Costa Rica (section 208 of the Labour Code); Cyprus (government reports); Finland (section 4 of the Act of 4 March 1927); France (Decree of 1 August 1947); Federal Republic of Germany (section 719 of the Insurance Code); Luxembourg (section 19 of the Order of 26 March 1945); New Zealand (according to the Government's report health committees are set up on a voluntary basis); Norway (section 11 of Act No. 2 dated 7 December 1956); Pakistan (government report); Philippines (government report); Sweden (section 39 of the Act of 3 January 1949); United Arab Republic (Order No. 97 of 1964); Zambia (government report).

⁴ Belgium (General Regulations for the Protection of Workers, dated 11 February 1946, as amended); Philippines (government report).

⁵ France (Decree of 1 August 1947).

⁶ Finland (section 4 of the Act of 4 March 1927: the public health committees are bound to give the industrial inspector the requisite assistance and supply him with any information required); Israel, Italy, Sierra Leone, Tanzania (government reports).

OTHER DUTIES ENTRUSTED TO THE LABOUR INSPECTION SERVICES

73. If further duties are entrusted to labour inspectors, they should not be such as to interfere with the discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers (Article 3 (2) of Convention No. 81). To these two conditions placed on the performance of extra duties by labour inspectors, the Labour Inspection Recommendation, 1923 (No. 20), adds a third: that such duties should be closely related to the primary object of ensuring the protection of the health and safety of workers.

74. Additional duties entrusted to labour inspectors vary from one country to another and depend, to a certain extent, on the structure of the government departments. In national legislation and practice, accessory tasks of an administrative nature may be distinguished from intervention in labour disputes as conciliator or arbitrator.

Additional Duties of an Administrative Nature

75. In some countries the labour inspectors carry out investigations or surveys of an economic and social nature, particularly with regard to the labour market. Such is the case in France, where labour inspectors have in recent years taken part in various kinds of activity, such as vocational guidance for the young, labour promotion and, in a general way, securing the balance of employment in the framework of the regional expansion plans.¹ The labour inspection services may be called upon to supervise the payment of employers' contributions to safety or social insurance schemes.² This practice would appear to be current in countries where supervision of the social security institutions is entrusted to the labour services. Labour inspectors may also be called upon to draw up statistics of working conditions.³ Lastly, some governments report that the inspectors take part in the work of various administrative committees.⁴

¹ France (report of the Government for the periods 1960-61 and 1961-63). See in the same connection: Eastern Cameroon and French Overseas Territories (section 145 of the Act of 15 December 1952: the labour inspectorate is responsible for all matters relating to the condition of the workers . . . movements of labour, vocational guidance and training, placement); Greece (section 28 of Decree No. 868 of 30 December 1960: the labour inspection services are responsible for collecting information and data on the general economic and social situation in each region and for proposing measures called for by the economic situation of the region, particularly as regards industry, the trends of the employment market, general features of economic and social conditions, and the prospects of regional development); Malagasy Republic (section 2 of the Decree of 19 May 1961); Nigeria (according to the Government's report for the period 1962-63, the labour inspection services carry out surveys of the labour market); Tunisia (according to the government report, inspectors are called upon to draw up statistics of labour and employment conditions; they must supply quarterly reports containing all data likely to assist the economic expansion plan).

² Portugal (section 2 of Legislative Decree No. 37245 of 27 December 1948: the labour inspectorate is responsible in particular for the enforcement of all provisions concerning contributions, corporate bodies and cheaper meals for wage earners); United Kingdom (Northern Ireland) (first report of the Government on the application of the Convention, 1949).

³ France (section 108 of Book II of the Labour Code: the labour inspectors, besides enforcing legislative provisions, are responsible for drawing up statistics of working conditions in industry in the district under their supervision); Nigeria (report of the Government for the period 1962-63).

⁴ Belgium (in its report for the period 1957-58 the Government stated that inspectors and supervisors are sometimes called upon to act as chairman or secretary of joint committees, or as secretary for the old-age pension appeal boards); Luxembourg (section 19 of the Order of 26 March 1945: the engineers of the inspection services may take part in worker delegation meetings . . . and conduct the discussion). In this connection it should be noted that, in many former French non-metropolitan territories in Africa, the labour inspectorate is represented on the advisory labour committees and that the joint committees which draft collective labour agreements are chaired by a labour inspector.

76. In the main, however, governments indicate that no additional duties are entrusted to the labour inspection services, but where such duties are mentioned the governments consider that they do not interfere with the performance of the inspection services' essential task. Where the supervisory staff is sufficiently numerous to allow specialisation, some members being entrusted solely with supervisory duties and others dealing with matters that relate to labour administration but have no direct connection with supervision, the requirements of the Convention may be said to be fulfilled.

Role of Conciliation in Industrial Disputes

77. Supplementing Article 3 (2) of Convention No. 81, according to which any additional duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties, Paragraph 8 in Part III of Recommendation No. 81 provides that the functions of labour inspectors should not include that of acting as conciliator or arbitrator in proceedings concerning industrial disputes.

78. The action of labour inspection in industrial disputes was much discussed at the time of the drafting of the Recommendation and there are two opposing tendencies among the governments, according to the reports received.¹

79. In some countries ² the labour inspectors may not act as conciliators and arbitrators in industrial disputes; this is sometimes a matter of tradition, such disputes being within the domain of other institutions, and sometimes a result of the shortage of staff, as reported by some governments. In at least one country ³ the intervention of the inspection services in industrial disputes requires prior authorisation by the Ministry of Labour. In other countries ⁴, on the contrary, the national legislation binds the parties to a collective dispute to inform the labour inspectors with a view to conciliation, individual disputes generally being submitted to the inspectorate only at the request of the parties concerned. Some of these countries have pointed out that the conciliation and arbitration activities of the labour inspectorate have had useful results with regard to the maintenance of good industrial relations, since labour inspectors are the most likely to inspire confidence in both parties and find a solution to their dispute.

80. For this reason the Governments of Chad, Gabon, Kenya, Ivory Coast, Senegal and Sierra Leone consider that they are unable to accept the whole of Recommendation No. 81.

¹ The present paragraph 8 of the Recommendation was included in the text on the proposal of the Government member for Poland, supported by other governments. Some members of the Committee on Labour Inspection had, however, pointed out that in certain circumstances it would be necessary and useful to employ inspectors as conciliators and that they were often the best qualified officials, or the most easily available, to carry out such duties. (See I.L.O.: *Record of Proceedings*, International Labour Conference, 30th Session, Geneva, 1947, p. 510).

² Byelorussia, China, Cyprus, Denmark, Federal Republic of Germany, Hungary, India, Israel, Italy, Norway, Sweden, Ukraine, United Kingdom and some of its non-metropolitan territories (Gibraltar, Hong Kong, St. Vincent) and Yugoslavia.

³ Netherlands (government report and section 5 of the Royal Order of 23 August 1920).

⁴ Cameroon (Eastern Cameroon) (sections 190 and 209 of the Labour Code); Chad (government report); Colombia (government report); France (section 8 of the Act dated 11 February 1950); Guatemala (sections 278 and 281 of the Labour Code); Haiti (section 507 of the Labour Code); Ivory Coast (sections 178 and 159 of the Labour Code); Kenya (government report); Luxembourg (section 3 of the Order dated 26 March 1945 and government report); Malagasy Republic (section 122 of the Labour Code); Mauritania (sections 15 and 32 of the Labour Code); Niger (sections 186 and 205 of the Labour Code); Nigeria (government report, 1962-63); Spain (section 3 of the Act of 21 July 1962); Tanzania (Tanganyika) (government report); Togo (sections 190 and 209 of the Act dated 15 December 1952); United Kingdom (Solomon Islands) (government report).

81. From the information supplied by governments it appears that in countries where the labour inspection services are responsible for conciliation, their action has had beneficial effects on relations between employers and workers. But this depends on proper enforcement of the labour laws, and this basic duty of the labour inspectors must on no account come second to conciliation duties, however essential these may be considered. In certain cases, a larger and more specialised inspection staff appears to have had the result of conciliating the main mission of the inspection service with any additional duties that might be entrusted or assigned to it as a result of the administrative organisation of national inspection schemes.

CHAPTER III

ORGANISATION AND STAFF OF LABOUR INSPECTION

ORGANISATION OF LABOUR INSPECTION

82. Article 4, paragraph 1, of the Convention lays down that, so far as is compatible with the administrative practice of the Member, labour inspection shall be placed under the supervision and control of a central authority. Paragraph 2 of this same Article adds that, in the case of a federal State, the term "central authority" may mean "either a federal authority or a central authority of a federated unit".

83. This provision entails a study of the administrative and territorial organisation of labour inspection systems in unitary States and the situation in federal States.

Administrative Organisation

84. Labour inspection services are placed either directly under a central government authority or under its ultimate supervision in almost every country; exceptions will be examined later. In some countries the inspection system is constituted by a single service placed under a single central authority, in others there are several specialised inspection services for different sections of the economy. These are sometimes placed under the supervision of separate authorities.

85. In Luxembourg¹ the labour and mines inspectorate, placed under the authority of the Ministry of Labour and Social Insurance, deals with all the economic sectors covered by the Convention. In Greece², on the contrary, there is a general inspectorate which deals with industry and commerce, an inspectorate of mines and an inspectorate of transport, answerable respectively to the Ministries of Labour, Economic Affairs and Transport.

86. In between these two extremes there are examples of other situations departing to a greater or lesser degree from these organisational patterns. It seems that a single labour inspection service is encountered, generally speaking, in small countries, or countries whose economies are not sufficiently varied to justify establishing several supervisory bodies. However, it should be noted that in some such cases, the technical inspection of mines is carried out by outside experts, working in close co-operation with the inspectorate, or by specially qualified staff.

87. In other countries³ the labour inspection system does not consist of a single body but has a main service responsible for inspecting most branches of employment,

¹ Luxembourg (sections 1 and 4 of the Decree of 26 March 1945).

² Greece (section 1 (1) of Ordinance No. 2954 of 14 August 1954 and previous government reports).

³ France (inspection is placed under the general authority of the Ministry of Labour; inspection of mining and transport undertakings, other than railways, is the responsibility, respectively, of mining engineers and officials of the Public Works Department, who for this purpose are responsible to the Minister of Labour).

while specific industries may be dealt with by specialised inspectorates. Nevertheless, the whole inspection system comes under the same central department.

88. Where there are a number of labour inspectorates responsible to separate central authorities, the system is based on one of two criteria. In the one case, specialisation may be in accordance with the branch of the economy, each of which has its own inspectorate¹, while in the other, the criterion may be the nature of the inspection, e.g. social, medical and chemical, or technical.²

89. There can be no question of passing judgment on the different systems of labour inspection described above; it is however clear that the Convention, in providing for labour inspection to be placed under the supervision and control of a central authority (Article 4, paragraph 1), held it essential that the inspectorate should be able to act according to uniform principles and procedures applicable to the whole country and all the undertakings and individuals subject to its supervision. This uniformity implies dependence by the inspectorate on a single central authority, or at least close co-operation between the different supervisory authorities if the inspectorates are attached to different government departments. Fortunately, examination of the reports shows that the governments concerned lay stress on this collaboration.

90. While in most countries labour inspection is placed under a central government authority, a ministerial department as a general rule, there are cases in which this is not so, in countries where certain aspects of labour inspection have been entrusted to non-governmental organisations or to local bodies. In the socialist countries of Eastern Europe³, the trade unions are largely responsible for labour inspection and their central bodies exercise general supervision over the inspection

¹ China (according to the 1962-64 report, factory inspection is placed under the authority of the Minister of the Interior; section 18 of the Act of 25 June 1936 refers to mines inspection under the authority of the Ministry of Industry (section 34)); Greece (see paragraph 85 above); Jamaica (factory and mines inspection are placed respectively under the Ministry of Labour and the Ministry of Trade and Industry); Japan (Act No. 49 of 5 April 1947 (section 97) provides for a general inspection system, under the Ministry of Labour, for industry, commerce and transport; Act No. 70 of 16 May 1949 (section 32 places mines inspection under the Ministry of Foreign Trade and Industry); Sweden (apart from labour inspection proper, there are special inspectors for mines, road haulage and railways, explosive and highly inflammable materials, loading and unloading of ships (section 47 of the Act of 3 January 1949 and various Royal Orders)); United Kingdom (factory and wages inspection comes under the Ministry of Labour and mines and quarries under the Ministry of Power).

² Belgium (social (labour regulation), medical and chemical and technical inspection are the responsibility of the Ministry of Employment and Labour (Royal Decree of 23 December 1957); social insurance inspection comes under the Ministry of Social Insurance (Decree of 27 January 1959), while mines inspection is dealt with by the Ministry of Economic Affairs).

³ For example: Byelorussia (according to the Government's report, technical inspection is carried out by inspectors directly responsible to the trade union committees. They are appointed and dismissed by the Presidium of the Central Council of Trade Unions); Bulgaria (section 1 of the Regulations of 11 July 1958: the trade unions supervise the application of the Labour Code on behalf of the State); Hungary (section 92 (2) of the Labour Code: the Ministry of Health and the National Council of Trade Unions are responsible for organising and directing observance of the labour protection regulations. The government report states that the trade unions, as the most important organisations for the general defence of the workers' interests, are responsible for labour inspection); Poland (supervision of the application of labour legislation is the responsibility of both trade union and state bodies (Government's report)); U.S.S.R. (the Government's report indicates that the State constantly supervises the application of labour legislation through a number of bodies and in doing so, receives valuable assistance from the trade unions); Decree No. 17 of 15 January 1966, relating to the organisation of the State Committee of the U.S.S.R. and Union Republics for the supervision of occupational safety in industry and mining, provides for additional measures tending to strengthen the system of state supervision in these fields.

machinery, but parallel state inspectorates also exist. In the Scandinavian countries, inspection duties are carried out by the local authorities, usually the communes. However, it would seem that the municipal inspectors only assist or supplement the central government inspectors.¹

Geographical Organisation

91. The geographical organisation of labour inspectorates does not vary to any large degree from one country to another. In dividing up a country into districts, the main consideration is maximum efficiency. The size and number of the districts naturally depends on the number of inspectors available, and on some of the factors listed in Article 10 of the Convention: the nature, size and situation of workplaces, the types of labour employed in them, the complexity of the statutory provisions requiring enforcement, and the financial resources available.

92. In any event, almost all the countries² covered by the present survey are subdivided into districts of varying size, each headed by a labour inspector, with or without a staff, who is either directly responsible to the central government or to a local body which is in turn answerable to the central government.

Position of Federal States

93. The Convention has been ratified by 11 federal States.³ With the apparent exception of Austria⁴ and Cameroon, where inspection services are the responsibility of the central government, in other federal States⁵, whether or not they are bound by the Convention, the inspectorate is the responsibility both of the central government and of the state governments.

¹ As regards municipal inspection, see Denmark (section 47 (1) of Act No. 226 of 11 June 1954); Finland (section 1 of Council of State Decision of 4 March 1927); Norway (section 55 of Act No. 2 of 7 December 1956); Sweden (section 48 of the Act of 3 January 1949).

² For example, France (according to the 1961-63 report, the country is divided into 16 districts, each of which comprises departmental directorates; at the national level a general inspectorate attached to the Ministry of Labour is responsible for the over-all control of the inspection system), Algeria, Belgium, Central African Republic, Ceylon, China, Cuba, Israel, Kenya, Malagasy Republic, Malaysia, Morocco, Nigeria, Sierra Leone, Tunisia.

³ Argentina, Austria, Brazil, Cameroon (West Cameroon), Federal Republic of Germany, India, Malaysia, Nigeria, Pakistan, Switzerland and Yugoslavia.

⁴ Austria (except for agricultural and forestry workers).

⁵ Australia (according to the Government's report, labour inspection is divided between the Commonwealth and the states. The Commonwealth is responsible for the capital territory and for the enforcement of awards and agreements under the Commonwealth Conciliation and Arbitration Act, 1904-65); Brazil (first government report); Canada (each province has its own labour inspection system. The report states that a federal inspectorate has been set up under the federal Ministry of Labour to implement the 1965 Labour Code in the federal jurisdiction); Federal Republic of Germany (Government's report); India (according to the first government report, the federal Factories Act, though passed by the Union Parliament, is enforced by the inspectorates of the individual states); Pakistan (according to the 1954-55 report, the central Government and the provinces have authority to pass labour legislation and supervise its operation through their respective inspectorates); Switzerland (inspection is supervised and controlled by the Federal Department of Public Economy (Office for Industry, Arts and Crafts and Labour). The Federal Office and its inspectorates are in constant touch with the cantons, which are responsible for implementing the Factories Act); United States (the federal labour inspectorate is responsible for enforcing the Fair Labor Practices and Public Contracts Acts); Yugoslavia (sections 93 and 94 of the Decree of 4 April 1965, under which labour inspection is the responsibility of both the Republics and the Federation).

94. Full, uniform application of the Convention can normally be made easier, however, even with a federal structure, if there are general regulations concerning labour inspection which apply to the inspectorates of the federal government or federated units alike.¹ Argentina, where each province has its own labour inspection regulations, has experienced difficulties in implementing the Convention owing to the absence of any such general regulations applying to the country as a whole and its case has had to be considered by the Committee.

95. Provision for consultation between the federal inspection authorities and those of the federated units can also do much to co-ordinate the work of the labour inspectorates and ensure more effective application of the Convention. In Switzerland the Federal Office for Industry, Arts and Crafts and Labour and its inspectorate maintain permanent contact with the cantonal inspection bodies, to which they give appropriate instructions; periodical conferences are also arranged.²

LABOUR INSPECTION STAFF

96. An analysis of Articles 6, 7, 8 and 9 of the Convention concerning labour inspection staff entails a survey of their status, recruitment and training, the part played by women inspectors and the position of special staff associated with inspection work.

Labour Inspectors' Status and Conditions of Service

Status.

97. According to Article 6 of the Convention, labour inspection service staff must be composed of civil servants whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

98. Generally speaking, labour inspectors are civil servants or have equivalent status. Of the few exceptions, the most important are in the socialist countries of Eastern Europe, where labour inspectors are on the staff of the trade unions, although it should be noted that in these countries there is a parallel state inspectorate with a staff composed of civil servants. Usually labour inspectors come under the general civil service regulations, because they meet the definition of a civil servant or government employee contained therein or established by administrative practice.³ Moreover, a special statute for labour inspection staff issued pursuant to the general civil service regulations, may lay down conditions of service.⁴

¹ This is the case, for example, in Brazil (Regulations of 15 March 1965 on labour inspection); India (All-Union Factories Act); Switzerland (Factories Act); Mexico (Federal Labour Act); Yugoslavia (Decree of 4 April 1965 to promulgate the Act respecting occupational safety).

² See also Federal Republic of Germany (the 1956-57 report mentions periodical meetings between the inspection services of the Länder); India (the Chief Factory Adviser of the Union Government maintains liaison between the central Government and the state factory inspectorates).

³ Belgium (section 1 of the Royal Order of 2 October 1937: the title of civil servant is granted to any individual serving in a government agency on a permanent basis); France (the general civil service regulations define a civil servant as any "person who is appointed to a permanent post and established in a staff grade of a central government department, an external service responsible to it, or a public state institution"). Most governments state that labour inspectors are civil servants and consequently subject to the relevant regulations, e.g. Argentina, Australia, Ceylon, Chad, China, Costa Rica, Cuba, Cyprus, Dahomey, Dominican Republic, Federal Republic of Germany, Gabon, Greece, India, Iraq, Israel, Italy, Ivory Coast, Kenya, Senegal, Sierra Leone, Spain, Tanzania, Togo, United Arab Republic, United Kingdom, United States.

⁴ For example, France, Luxembourg, Malagasy Republic, Senegal, Spain, Tunisia.

99. Some governments considered that the provisions of Article 6 of the Convention hinder ratification.¹ It should be noted that during the preparation of this instrument special emphasis was placed on the fact that the status of labour inspectors should provide them with a real guarantee as to their stability of employment and their independence.² Civil service status is no doubt the most likely to meet this requirement, but other formulas have also been regarded as satisfactory.³

100. As the Committee of Experts stressed in 1957, the inspector only has real independence when he has the "unquestioned ability to point out, without fear of open or covert reprisal, that the methods followed in a given undertaking are contrary to the law and must therefore be changed".⁴ It is, however, for the countries concerned, especially those in which the trade unions play a dominant part in labour inspection, to assess in the light of the above considerations what is their position in relation to the Convention.

Conditions of Service.

101. Labour inspectors' conditions of service, being in general the same as those of other civil servants, are not examined in detail in this survey, which is not essentially concerned with civil services as such. Certain features, however, which can help to ensure labour inspectors' stability of employment and independence should be stressed.

102. As regards length of appointment, in most countries civil servants, including labour inspectors, after a varying period of probation, receive permanent posts.⁵

¹ Poland (in the report submitted in 1965 the Government states that the labour inspectorate consists of trade union officials, not public officials, as required by Article 6 of the Convention, and that for this reason it is not proposed to ratify it); Czechoslovakia (Government report).

² The 1923 Recommendation (No. 20) concerning labour inspection simply states (Paragraph 14) that: "The inspectorate should be on a permanent basis and should be independent of changes of government" without requiring this status to be that of civil servants. Moreover, the report of the 1939 Preparatory Conference defined the point relating to the independence and impartiality of inspectors as follows:

"Necessity of laying down that the labour inspectors should be given all the requisite guarantees for preserving their independence and impartiality as against any external influences.

"Provision of such guarantees:

(a) preferably by giving labour inspectors the benefit of civil service regulations; or

(b) in countries where labour inspectors do not enjoy civil service regulations . . ."

offering certain specified guarantees (I.L.O.: *The Organisation of Labour Inspection in Industrial and Commercial Undertakings*, International Labour Conference, 26th Session (Geneva, 1939), p. 370.

³ Bulgaria (the Committee recognised that, although they are on the staff of the trade unions, labour inspectors are protected by the Labour Code in the same way as other workers; this ensures a certain degree of stability in employment); Denmark (some members of the inspectorate, especially civil engineers, are not civil servants. Their conditions of service are governed by an agreement between the Civil Engineers' Association and the Minister of Finance. Article 6 of this agreement provides that the general laws and regulations for the protection of workers apply to this staff as regards the termination of employment contracts. This contractual status of engineers who are labour inspectors was also recognised by the Committee after examining the case).

⁴ Report of the Committee of Experts, 1957, p. 160.

⁵ Several exceptions should be noted: Finland (under section 2 of the Act of 4 March 1927, labour inspectors are appointed for five years). But in its first report on the application of the Convention (1950-51), the Government states that, in fact, the appointments of inspectors are permanent, like those of other officials); Norway (Government inspectors are appointed on a permanent basis; as regards municipal inspection, section 55 of Act No. 2 of 7 December 1956 provides for members of local labour inspectorates to be elected by the municipal council; members who have held the office for four years may refuse re-election during the succeeding four years); Switzerland (in its first report, the Government stated that inspection staff were appointed by the Federal Council for a period of three years, which in practice was always renewed).

They cannot be dismissed unless guilty of serious dereliction of duty defined in the regulations, or in certain circumstances and in accordance with procedures safeguarding the rights of the defence.¹ Labour inspectors' promotion and their careers in the inspectorate should be based on objective criteria.² Finally, in view of the pressures to which they may be exposed, it is particularly important that they should receive a reasonable salary, in order to ensure their independence.³ The available data on labour inspectors' salaries only relate to a small number of countries. In any case, it would be impossible to make any valid comparisons, owing to the widely varying economic and social conditions as between one country and another.

Recruitment and Training of Labour Inspectors

Recruitment.

103. Article 7, paragraphs 1 and 2, of the Convention states that, subject to the conditions prescribed by national legislation for the recruitment of members of public services, labour inspectors should be recruited on the basis of candidates' qualifications for the performance of their duties, and that the means of ascertaining such qualifications should be determined by the competent authority.

104. The most usual method of recruitment is by competition; candidates frequently have to satisfy conditions relating to age, nationality, academic qualifications, or experience.⁴ There are generally both written and oral examinations on subjects connected with inspection duties.⁵ For labour inspectors required to act independently, these examinations are normally of university standard.

105. Another method of recruitment employed in several countries is selection, usually based on qualifications or experience. Any person with an advanced technical training and practical experience of production⁶ may be appointed labour inspector.

¹ It is interesting to note that the draft text of the Convention prepared by the I.L.O. and submitted to the Conference Labour Inspection Committee, exhaustively listed the reasons for which labour inspectors might be dismissed: age; expiration of employment contract; duly proved incompetence; serious breach of official duties; conduct incompatible with the functions of an inspector; invalidity; abolition of post following reorganisation of the service; reduction in the number of posts. This list was eliminated following an amendment (I.L.O.: *Record of Proceedings*, International Labour Conference, 30th Session, 1947, p. 501).

² In several countries the civil service comprises a series of ranks, subdivided into grades; promotion by grade is automatic with length of service, while promotion by rank is a matter of selection or competition, with safeguards against arbitrary decisions.

³ See Paragraph 14 of the Labour Inspection Recommendation, 1923 (No. 20), which lays down, *inter alia*, that: "Inspection staff should be given such a status and standard of remuneration as to secure their freedom from improper external influences."

⁴ For example, according to the reports of the Governments of Argentina, Belgium, Canada (in most of the provinces, according to the Government's report), Costa Rica, France, Greece, Guatemala, Israel, Iran, Malagasy Republic, Switzerland, United Kingdom.

⁵ France (examinations are mainly on the general evolution of economic ideas or trends, labour legislation, industrial accident prevention and technology (1960-61 Government report)); Yugoslavia (examinations are on government administrative organisation, economic legislation, labour legislation, and occupational safety and health).

⁶ Bulgaria (section 4 of the Regulations of 11 July 1958: inspection duties are performed by persons who have completed an advanced or secondary education, preferably technical; persons with a lower standard of education but considerable organising or production experience may also be appointed labour inspectors); Byelorussia (Government report); Denmark (section 49 (2) of Act No. 226 of 11 June 1954 defines the qualifications or experience required for appointment as labour inspector); Finland (section 9 of the Decision of 4 March 1957); Libya (the inspectors are chosen from among holders of a university degree); Sweden (labour inspectors are appointed on the basis of their qualifications, on the recommendation of the Central Industrial Safety Committee); Ukraine and the U.S.S.R. (technical inspectors are appointed by the trade unions from among persons with an advanced technical education).

106. The election of labour inspectors seems to be exceptional and confined to very special systems, such as municipal inspection, which is on a very small scale compared with government inspection.¹

Training.

107. Paragraph 3 of Article 7 of the Convention stipulates that labour inspectors must be adequately trained for the performance of their duties.² Almost all governments declare they have taken steps to implement this provision. Training may be given at the outset or during service, using different methods which in many countries are often combined. Several governments³ report that training is given partly on the job, i.e. newly appointed inspectors accompany more experienced men in their inspection tours. Theoretical and practical courses are also organised at intervals for future inspectors, either as the need arises, or in permanent centres.⁴ After inspectors have taken up their duties, they require refresher and further training courses at suitable intervals. At these lectures or meetings they can discuss their professional problems, keep abreast of new legislation and receive instructions for its enforcement. The transfer of inspectors to other inspection areas with different industries is another valuable means of gaining new experience; this method is practised in the United Kingdom.⁵

108. Recruitment and training methods are of course left entirely to the discretion of governments, which have to take account of special conditions in their countries, and no formula can be prescribed. Nevertheless, governments should devote great care to the selection and training of inspection staff, for the enforcement of labour legislation largely depends on the conscientiousness and competence with which the inspectors perform their duties.

Participation of Women in Labour Inspection

109. Under Article 8 of the Convention both men and women should be eligible for appointment to an inspection staff. If necessary, special duties can be assigned to men and women inspectors.

110. From the very outset the International Labour Organisation gave attention to the part that women could play in labour inspection. Article 427 of the Treaty of Versailles (Part XIII of which included the original Constitution of the I.L.O.) set forth, among the general principles considered to be of special importance, the need for each country to organise an inspection service, which should include women.

¹ Norway (section 55 (2) of Act No. 2 of 7 December 1956: members of local labour inspectorates are elected by the municipality for the length of its term of office).

² Paragraph 15 of the Labour Inspection Recommendation, 1923, is worth recalling. It states that on appointment inspectors should undergo a period of probation for the purpose of testing their qualifications and training them in their duties, and their appointment should only be confirmed at the end of that period if they have shown themselves fully qualified for the duties of an inspector.

³ For example: Belgium, Dominican Republic, Finland, Ghana, Israel, Sierra Leone, Sweden, Switzerland, United Kingdom.

⁴ Reference could be made, by way of example, to the *Institut des hautes études d'outre-mer*, Paris, and to the *Centre de perfectionnement des cadres de l'administration du travail* à Yaoundé (Cameroon), within whose framework the I.L.O. and the French Government have undertaken certain responsibilities for the training of labour inspectors and supervisors in African countries in particular; the Training Centre for Labour Inspectors in France and the Interamerican Centre for Labour Administration.

⁵ United Kingdom (Government report on the application of the Convention for the period 1957-58).

This question had already been taken up in 1897 by the International Congress for Protective Labour Legislation in Zürich, and a resolution was adopted according to which "women inspectors, paid by the Government, shall be appointed to supervise the application of legal provisions concerning female labour; they shall be selected in part from among female workers."¹

111. Almost all governments state that women can join their labour inspectorates, either by virtue of the general principle of equality of the sexes in the government service or, more rarely, under specific legal provisions. According to government reports, women labour inspectors have actually been appointed in several countries. They are generally employed to supervise the working conditions of women and children, inspect certain categories of establishments involving no undue physical exertion, and deal with social matters affecting the workers.²

112. Absolute exclusion of women from labour inspectorates is exceptional.³ However, they may be excluded from certain branches, such as mines or some heavy industries, on grounds of lack of physical aptitude⁴, or only constitute a limited percentage of the total inspection staff.⁵

Auxiliary Inspection Staff

113. In addition to labour inspectors proper, i.e. those who are fully responsible within their own field of duties, other persons are closely associated with inspection functions. These persons may or may not be members of the inspectorate itself. For the most part they are assistant inspectors, experts in various technical fields, and safety delegates (in certain undertakings).

114. In nearly every country the labour inspectorate is composed of different grades—inspectors and other personnel under their orders, such as deputy, assistant

¹ International Congress for Protective Labour Legislation, Zürich, 23-28 August 1897, p. 246. Paragraph 12 of Recommendation No. 20 should also be noted: "... while it is evident that with regard to certain matters and certain classes of work, inspection could be more suitably carried out by men, as in the case of other matters and other classes of work, inspection can be more suitably carried out by women, the women inspectors should in general have the same powers and duties and exercise the same authority as the men inspectors, subject to their having had the necessary training and experience, and should have equal opportunity of promotion to the higher ranks."

² Belgium (women are chiefly appointed as welfare and medical inspectors, 1957-58 report); Brazil (section 2, Part II (d), of the Decree of 15 March 1965: women social workers ensure labour inspection of women and children); Costa Rica (section 589 of the Code: in order to carry out its duties more effectively, the labour inspectorate may call upon the services of a body of women social visitors); Finland (women inspectors deal mainly with health questions and sickness assistance, improvement of living, housing and nutrition standards. They supervise, preferably, establishments employing large numbers of women and juveniles (1950-51 report); France (women inspectors generally confine themselves to enforcing the regulations covering certain categories of employment (shops, beauty parlours, banks, clothing factories, etc. (1951-52 report)); Israel (women's and children's work); Japan (women's and children's work); Kenya (work by women, and children's work); Sweden (social inspectors, usually women, deal with such questions as amenities, working conditions, housing, nutrition, household management, etc. (1950-51 report)).

³ Gabon (in its report the Government declares that it does not propose to ratify the Convention, partly because the appointment of women for inspection duties is considered inopportune).

⁴ Belgium (in its 1957-58 report the Government declared that only male candidates could take the entrance examination for the technical inspectorate. Furthermore, women could not be appointed for coal-mine, ore-mine and underground quarry inspection; the Act of 5 June 1911 prohibits the employment of women underground in any capacity); United Kingdom (women cannot enter the mines inspectorate (first government report)).

⁵ Malagasy Republic (section 5, paragraph 2, of Decree No. 61-226 of 19 May 1961 concerning the special status of labour inspectors: "Owing to the special physical capacities required for certain work, women may not constitute over 10 per cent. of the actual staff.")

or auxiliary inspectors.¹ Generally speaking, this auxiliary staff has the same status and is recruited in the same way as the labour inspectors. Their responsibilities are, however, more restricted than those of labour inspectors, owing to their lower qualifications, and they work under the inspectors' authority and supervision.² In certain circumstances they may be promoted to the rank of inspector.³

115. As regards technical experts and specialists, Article 9 of the Convention envisages the necessary measures to be taken to ensure their collaboration in inspection work. The variety of tasks falling to labour inspectorates and the technological complexity of modern industry have made industrialised countries, and even those which are less developed, realise the necessity of employing inspectors with the widest possible range of technical ability.

116. The provisions of Article 9 are automatically applied in countries where the labour inspection systems are organised according to branches of activity or the nature of inspection. Mine and transport technical inspectors could obviously only be recruited from among expert technicians qualified in their respective fields. In other countries, where labour inspection is organised around a single or main service, provision has been made for the inclusion of a certain number of technicians in the inspection staff.⁴ If necessary the general inspectorate can call on a technical expert outside the inspection staff, who may sometimes have the same duties and powers as the inspectors, within his terms of reference.⁵

117. A third category of personnel associated in inspection, but in the undertaking itself, is that of the worker safety delegates.⁶ National legislation generally

¹ Portugal (section 7 of Decree No. 37-245 of 27 December 1948, establishes the following grades: inspectors, deputy inspectors, assistant inspectors and auxiliary inspectors); Sweden (inspectors and deputy inspectors); Switzerland (inspectors and assistant-inspectors); United Kingdom (the Factories Inspectorate includes several categories of inspector). In the following countries there are inspectors and labour supervision officers: Cameroon, Chad, Central African Republic, Congo (Brazzaville), Dahomey, Gabon, Guinea, Ivory Coast, Malagasy Republic, Mali, Mauritania, Niger, Senegal, Togo and Upper Volta.

² For example the Act of 15 December 1952 establishing a Labour Code in the territories and associated territories under the Ministry for Overseas France states (section 156): "The labour supervision officers shall assist the inspectors of labour and social legislation in the work of the services. They shall be empowered to submit written statements of violations upon receipt of which the inspector may decide to make a report . . . Provided that the inspectors of labour and social legislation may by way of exception delegate their powers to the labour supervision officers for the carrying out of specific missions of supervision or verification."

³ Cameroon (Eastern Cameroon) (section 7 (2) of Decree No. 61-17/Cor authorises labour supervision officers who fulfil certain conditions to sit for the entrance examination for the labour inspectorate); Central African Republic (Government's first report, 1963-65).

⁴ For example: Brazil (section 2, Part II, of the Decree of 15 March 1965); Israel (the inspection staff includes physicists, electrical engineers, chemists, mechanics (1956-57 report)); Switzerland (in appointing inspection personnel care is taken to select representatives of the most important technical sciences (first report of the Government)).

⁵ Cameroon (Eastern Cameroon) (section 154 (c) of the Labour Code: labour inspectors are authorised, if necessary, to demand the opinions and advice of medical practitioners and technical experts, especially as regards hygiene and safety rules); Mauritania (section 29 of the Labour Code (same provisions)); Yugoslavia (section 112 of the Decree of 4 April 1965 provides that labour inspectors may request an expert to accompany them during inspection).

⁶ The following examples illustrate the possibilities of making use of this system: Belgium (the Act of 11 April 1897, sections 12 and 13, provides for the appointment of Worker Delegates to the Mine Inspection Service. These will be selected by the competent Minister from a list of candidates submitted by the national organisations most representative of miners. They are placed under the authority of the mine engineers. Their mission is defined in section (8)); China (Regulations of 6 March 1965, obliging factories employing over 30 workers to appoint an employee responsible for

obliges undertakings of a certain size to appoint such delegates. They are selected by the plant management with the agreement of the trade union organisations, or elected by the latter. Their role is to make sure that health and safety measures are duly applied, investigate industrial accidents and occupational diseases and propose measures to prevent these. Worker delegates are called upon to co-operate closely with the labour inspection services in performing these duties. Since in most of the countries concerned safety delegates are appointed in accordance with legal provisions, they enjoy protection in carrying out their duties.

health and safety. Appointments and transfers of such delegates must be notified to the Factory Inspection Service. They are required to report to the Government Inspector when he visits the factory); Czechoslovakia (section 2 (2) of the Act of 12 July 1951: safety technicians who carry out their duties in collaboration with the unified trade union organisation); Finland (section 9 of the Act of 4 March 1927: wage-earners can elect a general representative from among themselves to represent them in the matters relating to inspection); Hungary (in each undertaking where the work involves danger of accident or other dangers to workers' health the manager is required to appoint a person responsible for safety); Jamaica (section 56 of the 1961 Factory Regulations provides for the appointment of a safety superintendent); Luxembourg (section 6, Decree of 22 February 1951: worker supervisors).

CHAPTER IV

POWERS OF LABOUR INSPECTORS

118. In order that labour inspectors may be able to fill their important role in the application of labour legislation they must be given powers corresponding to their mission. Articles 12 and 13 of Convention No. 81 state what powers they should have. Despite the difficulties encountered in some countries¹ in this connection, it would not be possible to reduce these powers without depriving labour inspection of some of its means of action and hence lessening its efficiency.

119. As defined in the Convention, the powers of labour inspectors are of two types: inspection powers giving the right to enter freely and to inspect any workplaces liable to inspection; and powers of injunction, which permit them in certain circumstances to make or to have made orders requiring appropriate measures to be taken. As a counterpart to the powers conferred on labour inspectors the Convention has laid certain obligations on them. These will be examined in a later chapter.

INSPECTION POWERS

Right of Free Entry to Workplaces

120. Labour inspectors provided with proper credentials must be empowered, under paragraph 1 (a) of Article 12 of the Convention, to enter without previous notice at any hour of the day or night any workplace liable to inspection.

121. The various conditions in these important provisions require further explanation. The necessity for the inspectors to be provided with credentials which they must produce on demand springs from the powers conferred on them. Almost all countries adhere to this practice. The professional card of labour inspectors generally identifies the inspector and bears an authorisation for him to enter freely, for inspection purposes, workplaces liable to inspection and, if necessary, to call on the assistance of any administrative authority.

122. Duly authorised labour inspectors are entitled to enter workplaces without previous notice. The unexpected nature of such visits is the best guarantee that ins-

¹ Argentina (in connection with observations of the Committee, a government representative told the 1964 Conference Committee that the question of the application of Article 12 of the Convention had been submitted to the legislature; although certain members of Parliament had considered the powers granted by this Article to be excessive, the Government nevertheless took the view that these powers should be conferred upon labour inspectors (I.L.O.: *Record of Proceedings* (Appendix VI) International Labour Conference, 48th Session, Geneva, 1964: Report of the Committee on the Application of Conventions and Recommendations, p. 671)); Rwanda (the Government stated in its report that labour inspection services did not at present enjoy all the powers provided for in Articles 12 and 13 of the Convention and that it had not been possible to obtain agreement that an inspector should have the right to enter at night premises where it was common knowledge that work was not carried on by night). Other Governments (including those of Australia and Cameroon) admitted in their reports that national legislation did not grant inspectors all the powers laid down in Article 12, because some discrepancies still remained.

pectors will see working and operating conditions as they really are. It is true, however, that as envisaged under paragraph 2 of Article 12 of the Convention, when the inspector has entered the premises he must notify the employer or his representative of his presence, unless he considers that such notification may be prejudicial to effective inspection. Most governments accept the principle of visits without previous notice, either explicitly including it in their relevant provisions¹, or inferring it from the general terms of reference authorising inspectors to enter workplaces freely.² Legislative provisions obliging labour inspectors to notify the employer of their visit seem to constitute an exception.³

123. The time of such visits is another important factor in their effectiveness. By virtue of the Convention, visits may take place at any hour of the day or night in workplaces liable to inspection. The definition of these workplaces naturally varies according to the scope of the labour inspection systems, as noted above in Chapter I.⁴ Various means enable the competent national authorities to identify them: for example, compulsory declaration of undertakings for purposes of registration. Therefore, when an undertaking, according to the legal criteria, is liable to inspection, labour inspectors should have free and unrestricted entry at any time of the day or night.

124. The preparatory discussions on the Convention leave no doubt on this point. The International Labour Office draft text of Article 12, paragraph 1 (a), sets forth the principle of free entry by inspectors without previous notice, at any time of the day or night, to any undertakings and premises liable to inspection "where they may have reasonable cause to believe that persons enjoying legal protection are employed". This clause of the sentence was eliminated by an amendment.⁵

125. In many countries legislation grants labour inspectors the right provided for in paragraph 1 (a) of Article 12 of the Convention employing its very terms or

¹ Congo (Brazzaville) (section 155 of the Labour Code); Dominican Republic (section 401 (1) of the Labour Code); Hungary (section 162 of the regulations to implement the Labour Code: trade union inspectors may at any time and without special authorisation enter workplaces liable to inspection by them); Iraq (section 105 (1) of the Labour Code); Niger (section 151 of the Labour Code); Portugal (section 12 of Decree No. 37245 of 27 December 1948: free entry without notification); Switzerland (section 217 of the Ordinance of 3 October 1919: inspectors are not obliged to notify their visit).

² Bulgaria (section 18 (a) of the Regulations of 11 July 1958: the labour inspector may at all times inspect workplaces); Finland (section 5 (2) of the Act of 4 March 1927: the inspector has free entry to all workplaces whenever he wishes); Mauritania (Book V, section 29, of the Labour Code: inspectors are authorised to enter workplaces freely); Sweden (section 50 of the Act of 3 January 1949: inspectors shall be allowed to enter premises liable to inspection whenever they so demand).

³ Haiti (under section 503 of the Labour Code the inspector must immediately inform the employer of the purpose of his visit); Upper Volta (section 161 (a) of the Labour Code: at the beginning of the inspection the inspector must notify the head of the undertaking, who will be entitled to accompany him on his visit); Yugoslavia (section 104 of the Decree of 4 April 1965: immediately after entering the undertaking, the inspector must inform the person in charge of his presence. It is not provided, as in the Act of 28 December 1959, rescinded by the present Decree, that if he considers such notification contrary to the effective performance of his duties, the inspector may refrain from informing the manager of the undertaking of his presence).

⁴ See para. 37.

⁵ The competent Committee of the Conference considered that these words were unnecessary and that the administrative authorities would in practice decide which premises their inspectors should treat as liable to inspection (I.L.O.: *Record of Proceedings*, International Labour Conference, 30th Session, 1947, p. 503).

more general formulas.¹ But it is essential to mention some restrictions on the right of free entry to workplaces.

Restrictions on the Right of Free Entry

126. These restrictions first of all concern the type of undertakings to which labour inspectors should have free entry day and night. While the Convention provides for this right in regard to "any workplace liable to inspection", in some countries² it exists only in regard to undertakings where the inspectors may have reason to believe that work is being performed. A restriction of this type may prohibit inspectors from freely entering outbuildings connected with undertakings, such as workmen's dwellings or home workshops, even if the enforcement of the laws on these matters comes within the competence of the inspection service.

127. The commonest restrictions relate to the times at which inspection visits may be made in workplaces liable to inspection. Here again it is clear from the preparatory discussion of the Convention that no restriction should be allowed in this respect. A proposal was made in the Conference Committee on Labour Inspection that labour inspectors should be empowered to enter workplaces only "at any reasonable hour of the day or night". The amendment proposed to that effect was rejected.³ Nevertheless the legislation of several countries⁴ contains a restrictive clause of this type, which some governments have admitted is incompatible with the Convention. In other countries⁵ inspection is authorised only during regular working hours or while the undertaking is functioning.

¹ For example: Denmark (section 53 (1) of Act No. 226 of 11 June 1954: members of inspection service staff may enter any workplace covered by the present Act at any time of the day or night); Finland (section 5 (2) of the Act of 4 March 1927: free entry of the inspector whenever he desires); Iran (section 52 of the 1959 Labour Act: inspectors shall have the right to enter undertakings at any time); Israel (section 3 (1) of the Act of 25 August 1954: right to enter at any time); Japan (section 101 of Act No. 49 of 5 April 1947: authorisation to visit undertakings. Following an observation by the Committee of Experts, the Government stated that this general authorisation covered the right of free entry day and night); Somali Republic (former trust territory) (section 100 (1) of the 1958 Labour Code: to visit workplaces freely at any time); Sweden (section 50 of the Act of 3 January 1949: entry by the inspector at his demand); Syrian Arab Republic (section 8 of Order No. 465 of 1965: right of entry at any time of the day and night); U.S.S.R. (according to the Government's report, the right of free entry is unrestricted).

² Congo (Leopoldville) (section 5, para. 2, of the Decree of 16 March 1950: right of free entry when inspectors have reasonable grounds for believing that a worker or workers are employed or housed by the employer); Cameroon (Eastern Cameroon) Togo and French Overseas Territories (section 154 (b) of the Act of 15 December 1952: power to enter at night premises where it is established that collective night work is performed).

³ It was argued that the insertion of the word "reasonable" would give rise to difficulties of interpretation and might hamper the inspectors, because it is in a sense at unreasonable hours offences against the law are likely to take place. The Committee rejected the proposal. (I.L.O.: *Record of Proceedings*, International Labour Conference, 30th Session, 1947, p. 503.)

⁴ Australia (the Government's report states that in some states legislation allows free entry "at any reasonable hour". The Government admits that this clause deviates from the Convention); Ceylon (section 50) (1) (a) of Act No. 19 of 1954); Jamaica (section 18 of the Factories Act); Nigeria (section 5 (2) (a) of the Labour Code); Solomon Islands (section 5 (1) and (2) of Ordinance No. 3 of 1960); United Kingdom (section 146 (1) (a) of the 1961 Factories Act); Zambia (section 55 of the Factories Ordinance).

⁵ Australia (according to the Government's report the Commonwealth Arbitration and Conciliation Act limits the right of free entry during working hours. The report adds that studies are being made with a view to bringing that text into line with the Convention on this point); Federal Republic of Germany (section 139 (1) and (4) of the Industrial Code); Jamaica (section 12 (1) and (2) of the 1938 Minimum Wage Act (revised); The restrictive clause might be justified in this case by

Right of Free Entry to Premises not Officially Subject to Inspection

128. As has been seen above, inspectors may freely exercise their right to enter workplaces liable to inspection, by day or by night. But when there is doubt as to whether a workplace or premises are liable to inspection they should be entitled to free entry by day only. This explains paragraph 1 (b) of Article 12 of the Convention, under which inspectors shall be empowered to enter by day any premises which they may have reasonable cause to believe to be liable to inspection. This reservation is justified by the fact that the purpose of a visit on such an assumption would not only be to inspect the undertaking but to determine in the first place whether or not it is liable to inspection.

129. The distinction drawn by the Convention between workplaces liable to inspection and those which the labour inspectors may have reasonable cause to believe to come within this category is not common in national laws or regulations. The general duty of inspection entrusted to inspectors by the labour laws would entitle them to free entry even into undertakings merely assumed to be liable to inspection.

Guarantee of the Right of Free Entry

130. The penalties laid down in national laws or regulations for obstructing labour inspectors in the performance of their duties are a sure guarantee of the right of free entry. These penalties will be examined later. Apart from these, some laws and regulations give labour inspectors the right to be accompanied during a visit by a police officer if they have reason to fear obstruction on the part of the employer or, in general, the possibility of requesting the assistance of any competent authority.¹ The authorisation accorded to labour inspectors to carry a weapon for purposes of self-defence and to use it remains a drastic and exceptional safeguard.²

131. The guarantee of the right of free entry to work-places is only the preliminary condition for the right of free inspection of such premises.

the purpose of the Act); Liberia (section 55 of the Act of 24 May 1961); Libya (the report states that inspectors cannot enter workplaces outside working hours and that, subject to this reservation, Article 12 of the Convention is enforced); Peru (section 4 of the Decree of 17 June 1931); Philippines (the Inspection Manual provides that inspection shall normally take place during working hours, unless there are indications that lead to the conclusion that work is performed outside these hours; in this event the inspector must, whenever possible, inform his superior officer before proceeding to an inspection); Switzerland (section 217, para. 1, of the Ordinance of 3 October 1919: the officials responsible for carrying out the law or supervising compliance with it may enter factory premises at any hour when work is going on); United Arab Republic (section 212, para. 3, of the Labour Code); Yugoslavia (section 104 of the Decree of 4 April 1965).

¹ Greece (section 9 (1) of Decree No. 2954 of 14 August 1954: the judicial, administrative and police authorities must give every assistance to inspection service officials); Guatemala (section 281 of the Labour Code); Israel (section 3 (6) of the Act of 25 August 1954: a labour inspector is entitled to be accompanied by a police officer); Jordan (section 10 of the Labour Code); Mauritania (Book V, section 28, of the Labour Code: all civil and military authorities must recognise the competence of inspectors and if requested lend them aid and assistance); Portugal (section 33 of the Legislative Decree of 27 December 1948); Rwanda (government report: the inspector may call on the police to bring any recalcitrant employer or worker to the premises of the inspectorate); United Kingdom (section 146 (1) (b) of the 1961 Factories Act).

² Portugal (section 14, para. 2, of the Legislative Decree of 27 December 1948: members of the inspectorate are authorised to carry a weapon for purposes of self-defence and to use it, in accordance with the law in force and without being bound by the formalities laid down in the said law).

RIGHT OF FREE INSPECTION

132. Paragraph 1 (c) of Article 12 of the Convention provides that labour inspectors shall be empowered to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed. They may, in particular, interrogate the employer or the staff of the undertaking, require the production of certain documents, enforce the posting of certain notices, and take or remove for purposes of analysis samples of materials used.

Interrogation of Persons

133. The right to interrogate the employer or staff of an undertaking during an inspection visit is provided in the legislation of almost every country. Where no explicit legal provisions exist, it can be assumed that practice takes their place. But to ensure full application of the Convention, it is eminently desirable that the matter should be properly settled.¹ It is also essential that, in accordance with the Convention, laws and regulations should explicitly grant labour inspectors the right to question the employer or the staff, alone or in the presence of witnesses. The right of interrogation may also be exercised in respect of persons who are not working in the premises which are being inspected, as is the case in Portugal. In that country labour inspectors can demand written statements from employers and employees.²

134. In order to ensure that inspectors shall obtain the most exact and the fullest information possible, some laws and regulations make it compulsory for persons questioned to supply any information requested for purposes of inspection.³ It is interesting to note in this connection that in Turkey employers and their representatives are forbidden, on pain of fine, to make suggestions to the workers whom the labour inspectors question, to incite or compel them by any means whatsoever to dissimulate or misrepresent the truth, or to harass them because of communications, requests or information addressed to inspectors.⁴ The fact that the labour inspector may be accompanied in his inspections by staff representatives, workers' safety delegates and sworn official interpreters is another guarantee.⁵

Inspection of Books and Registers

135. In order to facilitate inspection with a view to enforcement of the law, national labour laws and regulations, as well as several international labour Conventions, require employers to keep various books, registers and other documents, the rules and regulations of the undertaking, employment registers of children and young

¹ Greece (in an observation made in 1964, the Committee had pointed out the lack of legal provisions enforcing Article 12 1 (c) (i) of the Convention. After having declared that this requirement of the Convention was applied in practice, the Government decided to introduce the necessary amendments to the legislation).

² Portugal (section 8 (2) and (3) of Legislative Decree No. 37245 of 27 December 1948).

³ Norway (section 57, para. 2, of Act No. 2 of 7 December 1956); Sweden (section 65 of the Act of 3 January 1949); Switzerland (section 45, para. 1, of the Act of 13 March 1964); United Kingdom (section 146 of the 1961 Factories Act).

⁴ Turkey (section 98, para. 1, of the Labour Code).

⁵ Section 154 (d) of the Act of 15 December 1952 to establish a Labour Code in the French overseas territories: labour inspectors have the power to take with them during their inspections sworn official interpreters and staff representatives of the undertaking inspected. See also Costa Rica (the inspectors may take trade union officials with them—section 40 of the 1949 Regulations for the Inspectorate General of Labour); Israel (sections 14 and 22 of the 1954 Act); Tanzania (Tanganyika) (government report).

persons, wages book, registers of paid holidays, work schedules, etc. Examination of these documents enables the labour inspector to get an idea of working conditions and to carry out his inspection of the undertaking more effectively. In most countries ¹ legislation authorises labour inspectors to consult the registers which the law requires to be kept. But, contrary to paragraph 1 (c) (ii) of Article 12 of the Convention, there are also many countries where the laws and regulations do not explicitly provide that the inspector may copy or make extracts from documents.²

136. It is obvious that the inspection of records can be justified only to the extent that it directly concerns the application of the labour legislation. It is for this reason that in certain countries the inspector can have access to the account books and vouchers only with the authorisation of a competent authority.³

Enforcement of the Posting of Notices

137. National laws and regulations similarly require the posting of certain notices. The legal provisions relating to weekly rest generally lay down that the rest days of workers who come under a special timetable owing to the nature of their occupations must be posted. It can also be very useful, apart from notices concerning working conditions, to make known the name and address of the competent labour inspector by posting them in a suitable place on the premises of the undertaking.⁴

138. While the law lays the obligation on employers to post certain notices, it is unusual for explicit provisions to be enacted authorising labour inspectors to enforce the posting of such notices, as provided for in paragraph 1 (c) (iii) of Article 12 of the Convention. In these cases it has not been judged necessary to adopt specific provisions on this point, since the inspectors' mission is to verify compliance with labour regulations in general, including the requirements relating to the posting of notices.

Inspection of Materials and Substances Used

139. Labour inspectors must be authorised to take or remove, for purposes of analysis, samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for this purpose (Article 12 (1) (c) (iv) of the Convention). These provisions are important on two scores. They enable the inspector to ascertain whether the legal requirements relating to the handling of substances which are not prohibited but whose use involves health dangers for workers, are respected. He can furthermore

¹ For example: Brazil (section 8 (a) of the Regulations of 15 March 1965); Canada (government report); Denmark (section 53 (1) of Act No. 226 of 11 June 1954); Finland (section 5 of the Act of 4 March 1927); France (Book II, section 106 of the Labour Code); Gabon (section 149 of the Labour Code); Guatemala (section 281 (b) of the Labour Code); India (section 9 (b) of the 1948 Factories Act); Israel (section 3 (5) of the Act of 25 August 1954); Japan (section 101 of Act No. 49 of 1947); Malaysia (Malay States) (section 5 (a) of the 1951 Labour Ordinance); New Zealand (section 5 (1) (c) of the 1946 Factories Act); Spain (section 13 of the Act of 21 July 1962); Syrian Arab Republic (section 10 of Order No. 465 of 1965); Uganda (section 69 (1) (c) of the 1952 Factories Ordinance); U.S.S.R. (government's report); Yugoslavia (section 107 of the Decree of 4 April 1965).

² Cameroon (Eastern Cameroon), Central African Republic, Chad, Dahomey, Denmark, Finland, Gabon, Jordan, Mali, Peru, Senegal, Switzerland, Togo, Upper Volta.

³ Guatemala (section 281 (b) of the Labour Code; the inspector may examine the account books only with the previous authorisation of the labour court). See also Finland (section 11 of the Act of 4 March 1927: the labour inspector must not seek to acquaint himself with the proprietor's business).

⁴ Finland (section 13 of the Act of 4 March 1927).

make sure that prohibited substances or materials are not employed in the undertaking.

140. In many countries ¹ there are legal provisions corresponding to those of the Convention. The general mission of supervising compliance with labour legislation incumbent on inspectors is not sufficient in itself to ensure the application of subparagraph 1 (c) (iv) of Article 12 of the Convention. As the Committee has had occasion to point out in specific cases, it is necessary that explicit measures be adopted in this respect.²

* * *

141. To conclude the survey of the implementation of Article 12 of the Convention (one of its basic Articles), which concerns the powers of labour inspectors, an analysis of the legislation and of the data supplied by governments shows that many countries apply the provisions in question. In several cases, however, Article 12 is only partially applied, either because some of its requirements have been omitted from the legislation, or because the provisions of the latter are more restrictive than those of the Convention. In such cases, where the countries concerned are bound by the Convention, the Committee has pointed out these omissions or divergencies and requested the governments to take steps to bring their laws and regulations into line. From the technical angle, the adoption of such measures will be made easier because the requirements of Article 12 of the Convention are so precise that they can be introduced direct into legislation as they stand, without requiring any adaptation. Some countries, moreover, have inserted the whole of Article 12 of the Convention in their legislation.³

POWERS OF INJUNCTION

142. The Convention provides that labour inspectors shall be endowed with certain powers of injunction so as to enable them to call for steps to remedy defects observed in an undertaking and which might endanger the health or safety of workers. Under paragraph 2 of Article 13 of the Convention, subject to any right of appeal provided by national law, inspectors shall be empowered to make or have made orders requiring (a) such alterations to the installation or plant, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to the health or safety of the workers; (b) measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

143. Where this procedure, under which the inspector can take direct action, is not compatible with the administrative or judicial practice of the country in question,

¹ For example: Brazil (section 8 (c) of the Regulations of 15 March 1965); Ceylon (section 99 of the Factories Ordinance, No. 45 of 1942); Chad (section 154 of the Labour Code); Cyprus (section 67 of the 1956 Factories Act); Denmark (section 53 (1) of Act No. 226 of 11 June 1954); France (Book II, section 105 of the Labour Code); Iran (section 3 of the 1960 Regulations concerning the powers of inspectors); Morocco (section 56 (3^o) (c) of the Dahir of 2 July 1947); Niger (section 151 (e) (3^o) of the Labour Code); Rwanda (section 3 (4) of the Decree of 8 January 1952); Switzerland (section 45 of the Act of 13 March 1964); Tanzania (Tanganyika) (section 69 (2) of the Factories Ordinance).

² Italy, Malaysia (Malay States), Nigeria, Panama, Syrian Arab Republic.

³ Bahamas (section 56 B and C of Act No. 13 of 1965); Ivory Coast (section 128 of the Labour Code); Malawi (section 4 of Ordinance No. 15 of 17 March 1965); Morocco (section 56 of the Dahir of 2 July 1947 as amended by the Dahir of 16 January 1962).

paragraph 3 of Article 13 of the Convention gives inspectors the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

144. The different aspects of the powers laid down in the above provisions and the application of these provisions in national legislation and practice call for examination.

Formal Notice with a Time-Limit

145. The action of the labour inspectorate should not be systematically repressive. This principle, moreover, underlies Article 17, paragraph 2, of the Convention, which leaves it to the labour inspectors themselves to decide whether they should give warnings or advice rather than institute or recommend proceedings. The warning procedure gives the labour inspector the opportunity, before he submits a formal report, which is the starting point for a prosecution, formally to notify the employer that he must take measures to remedy the violation. The employer is given a time-limit which varies in different countries and according to the seriousness of the violation.

146. The practice of according a period of grace is followed in many countries.¹ As regards its form, the legislation generally requires formal notice to be given in writing.² In countries³ where the employer is required to keep a register for the inspector, the formal notice is recorded, dated and signed in this register, with an indication of the infringements noted and the time-limit within which they must be rectified.

Formal Notice without a Time-Limit

147. The labour inspector's power to order measures with immediate executory force if the infringement constitutes an imminent danger to the life or health of workers is provided for in the legislation of several countries, but not to the same degree as formal notice with a time-limit. The provisions of the Convention are so important on this point that each time the Committee has observed the absence of corresponding provisions in the legislation of the countries having ratified the Convention it has felt compelled to insist that the governments concerned should take the necessary steps.⁴

148. To safeguard the workers during the time required to carry out the inspector's orders, some laws and regulations require that the plant shall be totally or

¹ Bulgaria (sections 16 (b) and 18 (c) of the Regulations of 11 July 1958); Canada (government report); Congo (Leopoldville) (section 7 (1) of the Decree of 8 January 1952); Costa Rica (section 28 of Decree No. 42 of 16 August 1949); Czechoslovakia (section 6 of the Act of 12 July 1951); Denmark (section 54 (1) of the Act of 11 June 1954); Finland (section 7 of the Act of 4 March 1927); Hungary (section 162 of the Regulations to implement the Labour Code); Iraq (section 10 of Regulation No. 11 of 1958); Israel (section 6 (a) (2) of the Act of 25 August 1954); Jamaica (section 61 of the Mines Act); Mauritania (Book II, section 52 of the Labour Code); Rumania (government report); Sweden (section 53 of the Act of 3 January 1949); Ukraine, U.S.S.R., United States (governments' reports); Yugoslavia (section 108 of the Decree of 4 April 1965).

² Finland, Sweden, Yugoslavia (same references as above).

³ Cameroon (Eastern Cameroon) (sections 73 ff. of Order No. 3323 of 28 June 1954); France (Book II, section 69 of the Labour Code); and most of the former French overseas territories.

⁴ Requests and observations on this point have been made in respect of Argentina, Greece, Guinea, Iraq, Morocco, Peru and Tunisia.

partially closed down, or that a machine or machines must be stopped until the risks have been eliminated.¹

Appeals Against Inspectors' Decisions

149. As a rule, labour inspectors' decisions are not final. An appeal may be lodged with the verifying and supervisory authority of the inspectorate or, more rarely, with the judicial authorities.² The time-limit for registering an appeal varies in different countries: for instance, the time-limit may be 48 hours³ or three weeks⁴ from the time when the labour inspector's decision is formally communicated to the employer. In the absence of any appeal the labour inspector's decision of course becomes final.⁵

150. But once an appeal has been brought, there is the question of its bearing on the effect to be given to the formal notice. Legislation is not always explicit on this point, the matter being, possibly, settled under general rules of law. In any event, as regards formal notice with a time-limit, in some countries⁶ legislation provides that appeal against the inspector's decision shall have suspensive effect. In other words, the decision will enter into force only if it is confirmed by the authority with whom the matter has been raised. Application of this rule would seem justified because the matter is not urgent; if it had been urgent, orders to take measures with immediate executory force would have been more appropriate than formal notice with a time-limit. Measures ordered by the labour inspector in cases of imminent danger to workers' health and safety, on the other hand, should take effect immediately, even if an appeal has been lodged. This principle is explicitly stated in the laws and regulations of some countries.⁷ Where it is not, it would be well to introduce precise legislative provisions to this effect.

¹ Czechoslovakia (section 6 of the Act of 12 July 1951: in the event of imminent danger, the inspector may order the machines to be stopped and work to be suspended); Denmark (section 55 (1) of the Act of 11 June 1954: possibility of stopping work); Finland (section 7 of the Act of 4 March 1927: when the employees are obviously in danger of an accident or death, the inspector may forbid the continuation of work); Japan (section 55 of the Act of 5 April 1947: the competent authority may order the employer not to use the whole or part of the premises); Luxembourg (section 18 of the Order of 26 March 1945: in case of imminent danger, the chief engineer may order immediate evacuation and closing down of undertakings and workplaces); Yugoslavia (section 108, para. 3, of the Decree of 4 April 1965: suspension of work is to be ordered for as long as the danger persists).

² Israel (section 7 (a) of the Act of 25 August 1954: provides for appeal against the labour inspectors' decision to the chief inspector or the district judge).

³ Luxembourg (section 18, para. 2, of the Order of 26 March 1945).

⁴ Denmark (section 56 (1) of Act No. 226 of 11 June 1954).

⁵ Portugal (section 19 (1) of Act No. 37245 of 27 December 1948: the chief inspector's decisions have executory force and can be suspended only by appeal to the President of the National Labour and Welfare Institution within five days from the date of formal notice).

⁶ Cameroon (Eastern Cameroon) (section 70 of Order No. 3323 of 18 June 1954: within the time-limit fixed by the formal notice the employer may, if he thinks fit, bring a suspensive appeal before the Inspector-General of Labour; Denmark (section 56 (3) of Act No. 226 of 11 June 1954: the appeal will have a suspensive effect except for the cases provided for in section 55 (1) (imminent danger)); France (Book II, section 70 of the Labour Code: an objection by the works manager addressed to the Minister of Labour has suspensive effect); Mauritania (Book II, section 55 of the Labour Code).

⁷ Finland (section 7, paras. 2 and 3, of the Act of 4 March 1927: if the prohibition from continuing work is not observed, the official responsible for judicial enforcement shall take the necessary measures for immediate cessation, on notification by the labour inspector); Luxembourg (section 18 of the Order of 26 March 1945: appeal may be made to the Minister of Labour. The measure will however remain legally effective so long as the Minister has not decided otherwise); Portugal (section 19 (2) of Legislative Decree No. 37,245 of 27 December 1948: when the purpose of the chief inspector's decision is to avert imminent danger whose existence has been properly established the appeal is without suspensive effect).

Absence of Powers of Injunction

151. In some countries administrative and judicial practice does not permit a labour inspector to give orders or take measures with immediate executory force. In such cases the decision lies with other authorities, to whom the inspector has to refer.¹ The measures which these authorities may take must however have immediate executory force when there is imminent danger to workers' health or safety.² The Convention lays down no rules as regards laying the matter before the competent authorities or the conditions under which their decision should be taken, but the possible urgency of reaching a decision cannot be ignored.

¹ Iran (at the demand of the Minister of Labour, the examining magistrate may have the whole or a part of the undertaking closed down—government report); Nigeria (sections 42 and 43 of the Factories Act: the labour inspector lays the matter before the Court, which can decide that work should be suspended or order other measures); Switzerland (sections 205 to 208 of the Ordinance of 3 October 1919: the factory inspectorate has not the right to issue decisions. It has to ask the manufacturer to take the necessary measures. If the latter refuses to comply with the inspectorate's request the latter suggests to the Cantonal Government the measures to be taken); United Kingdom (according to the first report (1949) of the Government: the inspector has not direct power of injunction. He has to lay the case before the judicial authorities, who may order measures, including executory measures).

² The International Labour Office gave an opinion on this point in 1951, at the request of the Egyptian Government. The only measures authorised by the legislation in force at that time in Egypt, in the absence of any power of injunction conferred on inspectors, consisted in Ministerial Orders which might be issued to require the employer to take measures within a certain time-limit. The Office indicated in particular: "If therefore a Government decided to ratify on the basis of a procedure involving a Ministerial Order normally allowing a time-limit for compliance, that Government must be in a position to show [...] that in fact the condition relating to immediate executory force is effectively fulfilled." (*International Labour Code, 1951*, Vol. I, article 890, footnote 31, p. 731.)

CHAPTER V

VIOLATIONS AND PENALTIES

152. The important powers conferred on labour inspectors would have no effect if persons obstructing them went entirely without punishment. Articles 17 and 18 of the Convention provide for legal proceedings and penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing these in the performance of their duties. However, as has already been indicated above, under paragraph 2 of Article 17, it must be left to the discretion of the inspectors to give warning or advice instead of instituting or recommending proceedings.

PREVIOUS WARNING OR IMMEDIATE LEGAL PROCEEDINGS

153. The role of labour inspection can be looked at from the repressive or from the educational point of view. Although at the beginning stress was chiefly laid on the coercive nature of its action, at present it seems to be generally accepted, judging by the information supplied by the governments that before dealing severely with offenders the labour inspector should use persuasion and advice. This rule may find expression in the latitude which legislation leaves the labour inspector to adopt one of several solutions, ranging from mere advice through verbal or written warning to the submission of a report to the legal authority with a view to the institution of proceedings.¹ The legislation of some countries, without going into such detail as regards the different forms of action open to inspection officials, explicitly emphasises their educational role², although it does leave them free to act.

154. In other countries the law obliges labour inspectors to give warning to the offender before instituting proceedings or having them instituted. This is the case in France, where in certain specified cases, prior to the establishment of an official report, the employer must be notified of his obligation to conform to the rules which he has violated, within a certain time limit, which cannot be shorter than the minimum

¹ Syrian Arab Republic (section 14 of Order No. 465 of 1965 : labour inspectors are empowered to take one of the following measures against offenders, according to the case: (a) offer the employer technical information and advice if he shows genuine goodwill; (b) give the employer oral warning, which must be mentioned in the inspection report; (c) give a written warning through the Directorate of Labour; (d) make an official report which, under section 15, is forwarded to the competent court).

² Colombia (a circular dated June 1961 from the Ministry of Labour to the inspectors states in particular that labour inspection services must not resort to coercion except in extreme cases and that before doing so they must employ persuasion and advice); Portugal (section 11 of Legislative Decree No. 37,245 of 27 December 1948: inspection service officials must carry out their duties in a spirit of equity and impartiality; their action must be repressive, but even more educational and advisory); Switzerland (sections 205 and 208 of the Ordinance of 3 October 1919: inspectors must endeavour on the one hand to ensure to the worker the advantages of the law, by friendly assistance, and, on the other, to show consideration in helping the manufacturer to comply with legal requirements and thus win the confidence of both parties).

prescribed and varies with the case.¹ Government reports show that this is also the case in several other countries.² Generally speaking, except in cases of deliberate or serious violations, or culpable negligence, a warning is given in preference to the immediate institution of proceedings.

155. The labour inspector's discretion to use persuasion or advice rather than to institute or recommend proceedings may be very considerably restricted if his responsibility at law is involved in the event of damage resulting from a violation which he has failed to point out and have punished. In this situation, which appears to be infrequent, the labour inspector might be led to repress systematically persons violating the legal provisions whose application it is his responsibility to supervise.³

INSTITUTION OF LEGAL PROCEEDINGS

156. If the inspector's orders and warnings have no effect, legal proceedings are instituted to punish the infraction. In several countries the decision lies with the inspector who noted the offence. He prepares an official report which is forwarded direct to the judicial authorities.⁴ In other countries the decision is taken by the inspector's superior office or by other authorities.⁵ In either case, the labour inspectorate must be kept informed of action taken on its reports or complaints.⁶

¹ France (a schedule is annexed to the Decree of 10 July 1913 on health and safety, which is codified; the rules in the Decree in respect of which compulsory notification is provided are listed in the first column. In the second column, opposite each rule, the minimum time-limit for compliance is shown; except in these cases, the inspectors alone decide whether or not it is advisable to draw up official reports setting out the violations).

² Australia (in some cases previous notice is required before instituting proceedings, and the decision to prosecute in any case rests with the Minister or the Chief Inspector; Denmark (for violations of minor importance previous warning is always given); United States (it is usual to give warning for a first violation unless it is flagrant and deliberate).

³ Belgium (in its first report, 1957-58, the Government stated that inspectors were not free to decide whether they should give advice or warning or establish official reports when an infraction was observed; it added that it would consider remedying this situation when the labour inspection laws were reviewed).

The questionnaire drawn up for a comparative survey of labour inspection systems in the member countries of the Council of Europe contained the following question: Does the national legislation allow the courts to hold a labour inspector responsible, in whole or in part, for an accident caused by a breach of the regulations concerning health and safety? Are there administrative and judicial precedents for such an attitude?

The following passage is to be found in the survey: "The liability of inspectors seems to be laid down most emphatically in Belgium, to judge by various sentences in the matter during the last few years; inspectors can be held to blame under both civil and criminal law. A recent decision even held an inspector responsible for an infringement which had he not noted himself." (Council of Europe: Social Committee, 16th Session, Strasbourg, 21 March 1963, document CE/Soc(62)4, p. 61.)

⁴ Mauritania (Book V, section 26 of the Labour Code: inspectors and auxiliary inspectors may record violations in an official report which will be regarded as authentic, failing proof to the contrary. . . . They are authorised to refer the matter direct to the judicial authorities); see similar provisions in the French Overseas Labour Code (section 153).

This seems also to be the case in Haiti (section 512 of the Labour Code: any violation of the labour laws shall be judged by the labour court on an official report of the labour inspector); Japan (section 102 of Act No. 49 of 5 April 1947: in the event of violations, the inspector is authorised to exercise the recognised powers of judicial police officials).

⁵ Portugal (section 24 (2) of Legislative Decree No. 37245 of 27 December 1948: after confirmation by higher authority, the report shall be considered as the *corpus delicti* and shall be accepted as conclusive evidence in legal proceedings until proof to the contrary); Switzerland (section 208 of the Ordinance of 3 October 1919: the cantonal Government takes the decision).

⁶ Mauritania (Book I, section 27, para. 3, of the Labour Code); Switzerland (section 207 of the Ordinance of 3 October 1919).

PENALTIES

157. The object of the prosecution is obviously to secure conviction of the offender. It may be said that in nearly all the countries with a labour inspection system, legislation has laid down penalties for violations of labour laws and for obstructing inspectors in the performance of their duties. These penalties consist in fines or terms of imprisonment¹, or both.²

158. In most cases it is the legal authorities which inflict the penalties. However, according to governments' reports, in some of the Eastern European socialist countries labour inspectors are entitled to do this.³

159. There is certainly a great deal of diversity in the nature of the sanctions, but in any case their effectiveness depends on the example which they set.

¹ France (for example, Book II, sections 178 and 179 of the Labour Code); Jamaica (section 6 of Act No. 8 of 1943); Switzerland (section 286 of the Penal Code); United Kingdom (section 146 of the 1961 Factories Act).

² Luxembourg (section 25 of the Order of 26 March 1945); Malagasy Republic (section 138 of the Labour Code).

³ Czechoslovakia (section 6 (3) of the Act of 12 July 1951); Hungary (according to the Government's report, the trade union inspectors may inflict fines on persons violating the preventive and protective health measures for workers); Poland (labour inspectors may inflict fines not exceeding 1,500 zlotys. If the violation involves a greater fine or arrest, the inspector lays the case before an "Adjudication College" attached to the trade union committees and acts as public prosecutor); Rumania (inspectors are empowered to inflict penalties on persons violating the labour laws).

CHAPTER VI

SPECIAL OBLIGATIONS OF LABOUR INSPECTORS

160. It has already been seen that the status of labour inspectors must ensure their being able to carry out their duties in full independence. As they come between the often conflicting interests of employers and workers, it is natural that their having any part in these interests should be prohibited and that certain things should be held to be incompatible with their office. Moreover, the very latitude of their supervisory and investigatory powers in undertakings calls for corresponding guarantees as to discretion and professional secrecy.

PROHIBITION OF INTEREST IN UNDERTAKINGS

161. Article 15 (*a*) of the Convention provides that, subject to such exceptions as may be made by national laws or regulations, labour inspectors shall be prohibited from having any direct or indirect interest in the undertakings under their supervision.

162. It should be pointed out at the outset that some socialist countries consider these provisions inapplicable in their particular circumstances. The Government of the U.S.S.R. has stated that the provisions of Article 15 of the Convention have no meaning in a socialist society, all undertakings and organisations being publicly or co-operatively owned. Similar statements have been made by the Governments of Hungary, Poland and Yugoslavia.¹

163. Elsewhere, the principle of the detachment of labour inspectors is normally embodied in national law.² Many countries³ have adopted the formula contained in the Convention or a similar one, without specifying how the rule that labour inspec-

¹ Hungary (in the opinion of the Government, the very fact that labour inspection is entrusted to the trade unions is a guarantee that the inspectors have no interest in the undertakings under their supervision); Poland (government report); Yugoslavia (in its first report, 1956-57, the Government stated that all economic undertakings belonged to the national community, so that it was a material impossibility for labour inspectors to have any direct or indirect interest in undertakings under their supervision).

² Some exceptions may be observed, for example: Algeria (a direct request was made in 1965 in this connection); Belgium (observation in 1964); Cameroon (Western Cameroon) (direct request in 1965); Sudan (the government report states that there is no legislative provision corresponding to Article 15); United Arab Republic (according to an observation formulated by the Committee in 1964, no provision in the national legislation would appear to give effect to Article 15 (*a*) of the Convention).

³ Cameroon (Eastern Cameroon) (section 152 of the Labour Code: no labour inspector shall have any direct or indirect interest in the undertakings placed under his supervision); Chad (section 152 of the Labour Code); Denmark (section 49 (4) of Act No. 226 of 11 June 1954: the inspection staff shall not have any direct or indirect business interest in undertakings subject to their inspection); Haiti (section 498 of the Labour Code); Japan (sections 103 and 104 of the National Public Servants Act, Law No. 120 of 1947); Mali (section 351 of the Labour Code); Malta (section 28 (5) (*b*) of the Act of 22 March 1952); Mauritania (Book V, section 23 of the Labour Code); Sierra Leone (Ordinance No. 20 of 1960); Spain (section 17 (1) of Act No. 39 of 21 July 1962: labour inspectors may not have any interest, even indirectly, in the activities of undertakings situated in the district where they perform their duties); Switzerland (section 210, paragraph 1, of the Ordinance of 3 October 1919); Togo (section 152 of the Labour Code).

tors may not have any direct or indirect interest in undertakings under their supervision is to be enforced or how such enforcement is to be supervised. It would be useful for national laws or regulations to specify how this rule is to be applied and, as happens in a certain number of countries, for measures to be taken to define, for example, what constitutes "having an interest" in an undertaking and to set up a system of checks. A further important requirement for the better application of the Convention is to stipulate what would be the consequences of inspectors having an interest in undertakings under their supervision.

Definition of "Interest"

164. Certain countries define prohibited interest. Obviously, participation in the management of an undertaking, on their own behalf or on behalf of others, is liable to compromise the independence of labour inspectors and is therefore prohibited.¹ Even the fact of having an interest in a patent used in an undertaking may constitute grounds for incompatibility.² The same applies to an interest held through some other person, for example a spouse or certain other relatives.³ Lastly, in the Philippines for an inspector to accept gifts or services from either employer or workers constitutes acceptance of bribes and is punishable by penal sanctions.⁴

Supervisory Methods

165. Very little information is available regarding the enforcement of the rule prohibiting labour inspectors from having any interest in the undertakings under their supervision. Undoubtedly a good level of training and the moral qualities required of inspectors will ensure, to a large extent, that this rule is observed, as also the oath taken by labour inspectors upon entering office, in which they swear to carry out their duties with "dedication and integrity"⁵, with "courage, impartiality and detachment"⁶, or "faithfully and well".⁷

166. Measures of a more definite kind have been taken in some countries. In Cyprus an official must, upon his appointment, declare to the Public Service Commission any investment, shareholding or any other direct or indirect interest in any undertaking in the country. If the Commission considers that the official's private interests may conflict with, or in any way influence, his public duties, it shall require him to divest himself of these interests to such extent as it may direct.⁸ Similar provisions exist in New Zealand.⁹

Consequences of Having an Interest

167. Here again, information of a practical nature is lacking. In the cases of Cyprus and New Zealand, mentioned above, a labour inspector whose business interests are liable to conflict with the discharge of his duties must as a rule relinquish

¹ Austria (section 18 of the Act of 18 May 1956); Finland (section 10 of the Act of 4 March 1927); France (section 8 of the General Civil Service Rules); Sweden (paragraph 11 of the Directives of 18 June 1949); Turkey (Act No. 788 respecting Public Officials).

² India (section 8 (3) of the Factories Act, 1948).

³ Luxembourg (section 9 of the Grand Ducal Order of 26 March 1945).

⁴ Philippines (Labour Inspection Manual, reference 4513 (3)).

⁵ Syrian Arab Republic (section 3 of Order No. 465 of 1965).

⁶ Haiti (section 506 of the Labour Code).

⁷ Niger (section 148 of the Labour Code): the same provisions appear in the Labour Codes of most former French overseas territories.

⁸ Cyprus (Colonial Regulations 45 (1) and (2)).

⁹ New Zealand (Public Service Regulations, 1950, section 21).

such interests; if he should refuse to do so he would presumably lose his position. This would seem to be the case in India where, under the Factories Act, no one shall be appointed inspector or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in a factory.¹ The challenge procedure in Finland is based on much the same principle.²

168. The chief reason for prohibiting inspectors from having an interest in undertakings under their supervision is that such an interest might seriously hamper them in the performance of their duties. In certain circumstances this risk may be improbable, and then exceptions can be made to the rule of incompatibility. Thus, the prohibition is suspended in Italy in the case of companies in which the Government has a share or which are under state control.³ It is suspended more generally where there is no cause to fear prejudice to the inspection service.⁴

PROFESSIONAL SECRECY

169. In accordance with Article 15 (b) and (c) of the Convention, labour inspectors are bound not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties, and to treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions.

Manufacturing Secrets

170. The problem of keeping manufacturing secrets from other undertakings would appear to be non-existent in socialist countries. According to the Government of the U.S.S.R., every worker has a moral obligation to pass on his knowledge of working methods and the experience he has acquired in socialist undertakings, and the report indicates that this also applies to labour inspectors. The State does all in its power to encourage the fulfilment of the obligation.

171. In most other countries⁵ national laws bind labour inspectors to secrecy regarding manufacturing processes, even after they have left the service, except in certain circumstances, defined by law, where necessity over-rides that obligation.⁶ Measures have, moreover, been taken to prevent possible lapses from secrecy from doing too much damage. In Denmark, for example, the members of the inspection staff are forbidden to take advantage of their position to obtain information other

¹ India (section 8 (3) of the Factories Act, 1948).

² Finland (section 10 of the Act of 4 March 1927: a labour inspector shall not own or manage an undertaking liable to inspection, nor have such an interest in any such undertaking that he is liable to be challenged on this account in the exercise of his functions in conformity with the statutory provisions respecting the challenging of judges. Similarly, he shall not own patent rights in industrial methods, machinery or apparatus employed in any such undertaking).

³ Italy (Council of Europe; Social Committee, op. cit., p. 57).

⁴ Norway (section 60 (1) of Act No. 2 of 7 December 1956); Sweden (paragraph 11 of the Directives of 18 June 1949).

⁵ For example: Costa Rica (section 28 (a) of Decree No. 42 of 16 August 1949); India (section 118 (1) of the Factories Act, 1948); Iraq (section 104 of Act No. 23 of 1 April 1961); Morocco (section 55 of the Dahir of 2 July 1947); Norway (section 59 of Act No. 2 of 7 December 1956); Senegal (section 167 of the Labour Code); Spain (section 17 of the Act of 21 July 1962); Tunisia (section 4 of the Decree of 6 August 1953); Turkey (section 93 of the Labour Code); United Kingdom (section 154 of the Factories Act, 1961).

⁶ Finland (section 11, para. 1, of the Act of 4 March 1927: an industrial inspector may not reveal industrial secrets unless it is necessary to make them known for the purpose of a prosecution on account of unlawful actions or defects); Luxembourg (section 10 of Act No. 226 of 11 June 1954).

than that which they require for the proper discharge of their duties.¹ In Finland a labour inspector may not seek to obtain information on the financial situation of the owner of an undertaking.²

172. The preservation of manufacturing or commercial secrets is considered sufficiently important, in many countries, for labour inspectors to have to take a solemn oath binding them to secrecy. Any violation of that oath and, in general, any culpable indiscretion is punished in nearly all countries. The penalties may be disciplinary, penal or civil; a penalty may be imposed without prejudice to the penalties otherwise provided for.³

Secrecy as to the Source of Complaints

173. The obligation for labour inspectors to preserve absolute secrecy on the source of complaints is expressly provided for in national laws less rarely than the obligation in respect of manufacturing secrets. Some governments state that the provisions of the Convention in this connection are applied in practice. This situation seems inadequate when it is considered that the essence of the guarantee of the efficiency of the labour inspection system is secrecy as to the source of complaints. The rule of secrecy must be explicitly set forth, a necessity to which the Committee has called attention on several occasions.⁴

174. Governments which feel that provisions relating to secrecy are not suitable for incorporation in laws or regulations (contrary to certain governments⁵) may follow the example of some other countries⁶ in issuing circulars, directives or instructions to the labour inspectors.

175. One country has invoked the practical difficulties that might be caused by strict observance of secrecy as to the source of complaints and has pointed out that, in some cases, the inspector may be unable to carry out his investigation if he does not ask to consult documents relating to a certain worker, and that this may give the employer an indication concerning the complaint made against him. The government asked whether such a problem had been known to arise previously.⁷

¹ Denmark (section 53 (3) of Act No. 226 of 11 June 1954).

² Finland (section 11, para. 1, *in fine* of the Act of 4 March 1927).

³ As, for example, in Austria (section 23 of the Act of 29 May 1956, which provides for imprisonment); France (Book II, section 102 of the Labour Code: every violation of the oath shall be punished under section 378 of the Penal Code); Guatemala (section 281 of Decree No. 1441 of 5 May 1961: removal from office without prejudice to any other penal, civil or other liabilities).

⁴ Direct requests were made in 1964 or 1965 concerning, for example, Algeria, China, Ghana, Kenya, Luxembourg, Panama and the Solomon Islands.

⁵ For example: Bulgaria (section 33 of the Regulations of 11 July 1958); Chad (section 151 of the Labour Code); Iraq (section 104 of Act No. 23 of 1 April 1961); Mauritania (Book V, section 25 of the Labour Code); Nigeria (section 69 (6) of the Factories Act); Norway (section 59 of Act No. 2 of 7 December 1956); Spain (section 17 (4) of the Act of 21 July 1962); Togo (section 151 of the Labour Code); Uganda (section 31 (b) of the Factories Act, 1963); Upper Volta (section 158 of the Labour Code).

⁶ France (a ministerial circular dated 15 November 1901 urges labour inspectors who receive a complaint to "intervene with sufficient circumspection so that the employer shall not suspect that the inspector's attention has been drawn to him"); Morocco (circular dated 4 December 1961); Tunisia (a circular from the Divisional Inspector of Labour dated 16 September 1963 to all inspectors reminds them that they "must not fail to impress upon inspector-trainees that it is essential not to divulge the source of individual or collective complaints").

⁷ Ceylon, whose legislation contains no provisions corresponding to section 15 (c) of the Convention, a fact which has led the Committee to formulate observations. In reply to a query from the Government, the Committee indicated, among other things, that investigation following a complaint

176. Another country, the U.S.S.R., states in its report that members of the inspection staff carry out their duties quite openly and hence cannot treat the source of a complaint as a confidential matter unless they consider it necessary or the complainant so requests.¹

177. The rule of secrecy as to the source of complaints, like that relating to manufacturing processes, may, however, be subject to exceptions envisaged by national legislation, as permitted under the Convention. In some countries² the name of the informer may be revealed with his express consent or if the complaint is found to be groundless. A third case may be added: that of prosecution at law.

* * *

178. In the foregoing pages the basic provisions of the Convention and the effect given to them in the laws of different countries have been examined. It is not enough, however, for the legislation to be in perfect conformity with the Convention; there must be continuous action to secure its enforcement. The labour inspection services play a predominating part in such action and, since this is so, they must be provided with the means to carry out their mission effectively.

could be initiated by examining files referring not only to the complainant but to a broader group of workers, and that, in any case, the source of the complaint should never be revealed without the consent of the complainant. It is interesting to note that the Government stated, in its report for 1963-65, that it proposed to make the necessary amendments to its legislation to ensure full application of Article 15 (c) of the Convention.

¹ The Government of the U.S.S.R. adds that the development of criticism and self-criticism is a method of remedying the existing weaknesses in the enforcement of labour legislation. Any person in authority who took unlawful steps against a worker because he had expressed criticism would be punishable under the Penal Code.

² Costa Rica (section 42 of Decree No. 42 of 16 August 1949: the informer must give his permission in writing); Italy (section 4, para. 2, of the Legislative Decree of 28 December 1931 calls for the express consent of the persons who communicated the information to the inspectorate); Norway (section 59 of Act No. 2 of 7 December 1956: the name of the informer shall not be divulged unless he expressly consents to be named or the report is found to be groundless).

CHAPTER VII

MEANS AVAILABLE TO AND ACTION OF THE LABOUR INSPECTION SERVICES

179. The principal means by which action in the field of labour inspection is carried on are the inspection staff, who must be sufficiently numerous, and the material facilities placed at their disposal. These are the two factors which enable inspection visits to be effected more frequently and the protection of workers to become a reality.

SIZE OF THE LABOUR INSPECTION STAFF

180. Information as to the size of the labour inspection staff is available for several of the member countries covered in this survey; however, in view of their greatly varying geographical, economic and social conditions no useful purpose would be served by comparing the bare figures. The ratio of the number making up the staff to the number of undertakings liable to inspection or, preferably, to the number of workers, would be more significant, but the necessary statistical information is lacking for the great majority of countries. Even if such a ratio could be determined, it would still be necessary to take into account the labour inspectors' level of training and capability and the complexity of the legislation they were called upon to enforce.

181. It therefore seems necessary to determine separately for each case whether the number making up the inspection staff is adequate or not.

182. Information received from various sources shows that in certain areas of the world the situation in this respect is not very satisfactory. The yearly reports of the Departments of Labour on their activities, the reports of I.L.O. labour administration experts who provide technical assistance in many member countries at the request of the governments and, lastly, the regional seminars on labour inspection organised by the Office for key labour department officials, show a certain shortage of inspection staff, due to a number of reasons.

183. In African countries¹ this state of affairs would appear to be caused by a lack of qualified staff. Those trained as labour inspectors are rarely retained in their position for long, for they are sought after by other administrative departments considered to have stronger claims and seeming to be endowed with greater prestige. To a large extent, this attitude to national labour departments can be explained by the

¹ For example: Congo (Brazzaville) (the Government states in its report that ratification of the Convention is being delayed by the lack of qualified staff for the labour inspection service, the inadequate material facilities of the labour departments and the assignment of inspectors and supervisors to other duties so that they cannot devote all their time to inspection); Ghana (for the period 1961-62, the yearly report of the Labour Department gives the labour inspection staff provided for in the budget as 37 and the actual staff as 20, and points out the inadequacies in this connection); Tunisia (the report of the Divisional Labour Inspection Service for 1962 shows a decrease in the strength of the staff and the number of undertakings visited and explains: "The shortage of staff is responsible for this state of affairs. It is urgent for the necessary measures to be taken to ensure normal recruitment . . . and improve the employment conditions and remuneration of inspectors so as to reduce the number of withdrawals from the service", p. 4 of the report).

policy of the governments concerned which, finding that independence confronts them with complex problems of economic development, tend to relegate social problems to the background. It is, however, encouraging to note that in some of these countries considerable efforts have been made, often with assistance from the International Labour Office, to organise and operate efficient labour inspection services, staffed by capable personnel, as a guarantee of the effective implementation of the government's social policy.

184. In Latin America the instability of labour inspectors' posts, the unattractive prospects and the low pay are among the factors responsible for the reluctance to join the labour inspection services.¹

185. In Asia the situation can be compared in some respects to that of Africa and Latin America.²

186. Even the highly industrialised countries of Europe suffer from a certain shortage of labour inspection staff.³

187. It is important, if the protection of workers aimed at by the law is to become a reality, that inspection services should be provided with adequate staff and material means. As regards the number of inspectors, the Convention lays down the factors to be taken into consideration. These factors, which should never be lost sight of, include the number of undertakings, the number of workers in them and the complexity of the legal provisions to be enforced.⁴

¹ Colombia (the Government states in its report that conciliation functions hardly leave the inspectors time for inspection and that the budget of the Ministry does not allow an increase in the number of inspectors); Costa Rica (in its first report the Government expressed the view that the number of inspectors should be increased by 25 per cent.); Panama (in its report for the period 1961-63 the Government stated that all inspectors in office on 1 January 1961 had been dismissed and replaced. The report, however, mentioned a programme aimed at integrating the inspection staff with the public service. See the observation on page 119 of the 1964 Report of the Committee).

² China (the report for the period 1963-65 refers to a shortage of staff in the labour inspection service); Philippines (the annual report of the Bureau of Labour Standards for the fiscal year 1964-65 stresses the shortage of staff, equipment and funds that the labour inspection services are suffering from); Singapore (the annual report of the Labour Department for 1962 referred to a shortage of senior staff in the factory inspection service).

³ To give a few of the many examples: France (at the Congress of the National Union of Labour Inspectors, held at Vichy in May 1965, the Minister for Labour, after noting the shortage of inspectors, funds, equipment and premises, said: "Contrary to what some may believe, the work of the labour inspection services in implementing a vigorous employment policy should in no way divert them from their original task, which is still the basic one; indeed, it should rather be an aid to the accomplishment of that task, provided that their resources, and particularly the number and quality of their officials, enable them to meet at the same time the many demands made on them. The present shortage exposes labour inspection to the hazard of devoting its efforts too exclusively to following a course which is not that of its true mission." The Minister stated that an effort would be made to provide the services with a suitable structure and adequate means to carry out their task. (*Le Monde*, 27 May 1965, p. 21); Italy (during the debate in Parliament on Act No. 628 of 22 July 1961 to reorganise the Ministry of Labour and Social Welfare, the Minister for Labour stressed the well-known shortage of staff in relation to the complexity of the tasks of the labour inspection service. It could not, he said, have its full practical effect as long as circumstances remained what they were (*La Legislazione Italiana*, Vol. XVIII, 1961)); United Kingdom (according to the Government's report for the period 1961-63, the total authorised staff was 481 and the staff in service 447).

⁴ It may be useful to quote here the full text of Article 10 of the Convention: "The number of labour inspectors shall be sufficient to secure the effective discharge of the duties of the inspectorate and shall be determined with due regard for: (a) the importance of the duties which inspectors have to perform, in particular—(i) the number, nature, size and situation of the workplaces liable to inspection; (ii) the number and classes of workers employed in such workplaces; and (iii) the number and complexity of the legal provisions to be enforced; (b) the material means placed at the disposal of the inspectors; and (c) the practical conditions under which visits of inspection must be carried out in order to be effective".

MATERIAL MEANS AT THE DISPOSAL OF INSPECTION SERVICES

188. Under Article 11 of the Convention, the competent authority shall make the necessary arrangements to furnish labour inspectors with: (a) local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned; (b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist. The reimbursement of travelling expenses incurred while on duty is also provided for.

189. Nearly all governments consider that the offices of their inspection services are suitably equipped, though in this connection they are, of course, the only judges. However, as these services are in continuous contact with the public, it is important for their local offices to be introduced in such a way as to facilitate public access and also to create a pleasant atmosphere, which can contribute to the establishment of good relations between the public and the inspection staff. A further step towards gaining the confidence of employers and workers who visit the inspection services is for each inspector to have a private office. In some countries the labour inspection premises include rooms for libraries, laboratories, exhibitions and lectures.

190. With regard to means of transport, governments report that inspectors generally use public transport facilities where these are available. In some countries the inspection service has its own fleet of cars: in others, the government grants inspectors a low-interest or interest-free loan to help them to purchase private cars. Whatever the means of transport used, most governments state that travelling expenses incurred on duty are reimbursed.

191. Readily available means of transport, allowing inspection visits to be effected without waste of time, can ensure maximum efficiency from the viewpoint of the duration, frequency and timeliness of such visits. A particular effort should be made in this connection.

FREQUENCY OF INSPECTION VISITS

192. Article 16 of the Convention provides that workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.¹

193. Generally speaking, the frequency of inspection visits is more often established by administrative instructions or left to the initiative of the inspectors than governed by specific laws or regulations. Information on this matter, therefore, is lacking in regard to most countries, which simply indicate in their reports that national practice agrees with what is laid down in Article 16 of the Convention.

194. Where there are explicit provisions they state, as a general rule, that all workplaces must be inspected at least once a year.² The intervals are shorter in the

¹ Article 16 as originally proposed by the Office provided that inspection visits were to be made at least once a year in dangerous and unhealthy workplaces and as often as necessary to ensure enforcement of the law in other workplaces. It was argued in support of the drafting which was eventually adopted that it was undesirable to base the frequency of visits on a specified period of elapsed time, and that the proposal incorporated the idea that inspection visits were to be thorough, which was equally important (I.L.O.: *Record of Proceedings*, International Labour Conference, 30th Session, 1947, op. cit., p. 505).

² Finland (section 5, para. 1, of the Act of 4 March 1927); Switzerland (section 204, para. 1, of the Ordinance of 3 October 1919); Yugoslavia (section 37 of the Act of 28 December 1959).

case of dangerous or unhealthy workplaces.¹ In Eastern Cameroon the frequency of inspection visits depends on the number of workers employed in the undertakings: the larger the number, the more often the undertaking must be inspected.² There are other circumstances which constitute an imperious reason for inspection visits. Such a visit should be made whenever a breach of law is reported or a serious accident occurs in an undertaking. When the labour inspector has ordered an employer to take certain measures, he should revisit the undertaking after a reasonable lapse of time to make sure that the injunction has been complied with.³ There should also be a visit within a reasonable time of the introduction of new provisions into the labour legislation.⁴

195. In accordance with the Convention, workplaces should be inspected not only regularly but also as thoroughly as may be necessary. This survey is not the proper place for a review of the most efficient inspection methods: it is enough to refer readers to the Labour Inspection Manual published by the International Labour Office.⁵

196. With regard to the effective frequency of inspection visits, the information contained in the annual reports of the central inspection authorities, under Article 21 (*c*) (statistics of workplaces liable to inspection) and (*d*) (statistics of inspection visits) of the Convention, shows, where such statistics are available, that in many countries not all workplaces are visited once a year, even where the principle of a yearly visit is embodied in the legislation or stated in administrative instructions.⁶

¹ Denmark (section 50 (1) of Act No. 226 of 11 June 1954: regular inspections shall be carried out in undertakings where the work or working conditions are liable to give rise to serious accidents or disease. In other cases inspection shall be carried out in the form of a sample survey, and also whenever reports are received . . .); Finland (section 5, para. 2, of the Resolution of 4 March 1927: the inspection of dangerous workplaces shall be particularly thorough); Iran (government report: the visits are carried out in an order determined by the nature of the work and the risks the workers are exposed to); Portugal (section 21, Legislative Decree No. 37245 of 27 December 1948: The undertakings in question shall be inspected twice a year, or more frequently if it is deemed necessary).

² Cameroon (Eastern Cameroon) (by virtue of Circular No. 018/TLS/SEGL of 9 February 1965 issued by the Secretary of State for Labour, undertakings which employ more than 500 workers should be visited at least three times a year; those which employ between 21 and 499 workers, twice a year and the rest once a year); Ivory Coast (government report: visits are carried out twice a year in workplaces employing over 50 workers (20 in towns) and once a year in workplaces employing over 20 workers (10 in towns)).

³ Portugal (section 21, para. 2, of Legislative Decree No. 37245 of 27 December 1948: undertakings where serious violations have been discovered must be reinspected at a not too distant date to determine whether the irregularities reported have been removed.

⁴ Brazil (section 18 (1) of the Regulations of 15 March 1965).

⁵ Op. cit.

⁶ The shortage of staff and transport facilities would seem to be responsible for this situation. Guatemala (according to the report of an I.L.O. technical assistance expert, only workplaces in the capital city and its suburbs are inspected); Malawi (the Government's report for 1960 stated that Article 10 of the Convention could not be applied for lack of funds); Niger (the annual report of the Ministry for Labour for 1964 stated that the supervisory function of inspection was handicapped by a lack of vehicles); Panama (according to a report by an I.L.O. expert, the labour inspection services merely wait until they receive a complaint from the trade unions or the workers concerning non-observance of the 40-centavo minimum wage. Many similar examples could be quoted.

CHAPTER VIII

LABOUR INSPECTION REPORTS

197. Inspection reports are an important source of information concerning the practical application of the Convention. The Convention provides for reports of two kinds: those submitted by the labour inspectors and those drawn up by the central authority.

REPORTS OF THE LABOUR INSPECTORS

198. Under Article 19 of the Convention, labour inspectors or local inspection offices are required to submit to the central inspection authority periodical reports, which must comply with the prescriptions of the central authority as to form and subject matter, on the results of their inspection activities.

199. In any administration a minimum of supervision by higher grades is necessary: this is particularly true of labour inspection services, since a certain degree of standardisation in enforcing labour legislation throughout the national territory is essential. The inspectors' reports to the central authority are its only means of verifying whether the inspection services are operating along uniform lines. They enable it to assess the social situation in the various inspection districts and provide it with an opportunity to give fresh impetus, if necessary, to the inspection services subordinated to it, guide their activity and, in brief, exercise the supervision proper to it.

200. Administrative requirements alone would be enough to justify the need for periodical reports from the labour inspectors. In fact, in nearly all countries the laws or administrative rulings bind inspectors to provide the central authority with a periodical account of their activities. The reports may be daily, weekly, monthly, six-monthly or yearly.¹ As regards their content, they are, in some countries, drawn up on the basis of a model report, with particulars differing from one country to another but generally including the number of undertakings visited during the period covered, the number of violations noted and the number of accidents which occurred in the undertaking. The inspectors are also invited to make any suggestions or comments they think fit concerning the practical enforcement of the enactments whose application they supervise.

201. In principle, the reports of the labour inspectors serve as a basis for the general report on the activities of the inspection services published annually in a number of countries, which provides an over-all view of the enforcement of labour legislation for a given period.

REPORTS OF THE CENTRAL INSPECTION AUTHORITY

202. Article 20 of the Convention provides that the central inspection authority shall publish an annual general report on the work of the inspection services under

¹ For example: in Chile and the United States (federal inspection system) a report is provided daily; in Israel, weekly; monthly in Denmark, the Federal Republic of Germany and Japan; half-yearly in Portugal; yearly in Finland, France and Italy.

its control, within 12 months at most of the end of the year to which it relates, a copy being transmitted to the International Labour Office within a reasonable period after publication. The contents of these reports are defined in Article 21 of the Convention and in Part IV of Recommendation No. 81.

203. These annual reports are of twofold importance: they provide the national authorities with an over-all view of the results of their policy for the protection of workers, and hence a useful lesson for further action and, at the international level, they offer some means of comparing the true degree of protection afforded by the various national legislations. The annual labour inspection reports provide the present Committee with a basis for evaluating the practical effect given not only to the Labour Inspection Convention but also to other Conventions. The Committee therefore attaches the greatest importance to the regular publication of these documents and their rapid communication to the International Labour Office, as required by the Convention.

Publication of Reports

204. A fairly large number of countries which have ratified the Convention do not seem to have taken, as yet, any steps to publish annual reports on the work of the inspection services.¹ Such reports, if they exist, have not at any rate been communicated to the Office. In other countries² incomplete documents are prepared instead of reports and they do not seem to be published. It is essential, however, for yearly reports to be published properly if they are to serve the purposes mentioned above. In countries where separate inspectorates exist for different branches of activity or different kinds of inspection, reports should be drawn up for each inspectorate.

205. The time-limits prescribed by the Convention for the publication of reports are complied with irregularly, and the reports are not always communicated to the I.L.O. within the required period.³ In each case the attention of the government bound by the Convention has been drawn to these shortcomings.

Contents of Reports

206. It is essential, for a comparison of the extent to which the various national legislations apply the Convention, that annual reports should contain comparable statistics. Article 21 of the Convention, supplemented by Part IV of Recommendation No. 81, details the subject matter to be covered in reports.⁴

¹ Algeria, Brazil, China, Cuba, Guatemala, Guinea, Kuwait, Lebanon, Mali, Mauritania, Panama, Peru, Syrian Arab Republic, United Arab Republic.

² For example: Argentina (the Government has provided a typewritten report from the Director for Labour covering the period 1963-64, which moreover omits most of the information stipulated under Article 21 of the Convention); Dominican Republic (the 1964 report has been communicated in the form of typewritten documents); Iraq (a direct request was made to the Government in 1964 on this point); Morocco (the 1963 and 1964 reports have been communicated in the form of typewritten documents).

³ The latest report received from Bulgaria concerns 1960, from Cameroon (Western Cameroon) 1959-60, from Finland 1962, from Ghana 1961-62, from Israel 1962, from Jamaica 1960, from Malaysia (Malaya) 1961, from Nigeria 1959-60, from Pakistan 1960-61, from Sierra Leone 1961, from Turkey 1959, and from Uganda 1958.

⁴ Article 21 of the Convention provides that the annual report published by the central inspection authority shall deal with the following subjects: (a) laws and regulations relevant to the work of the inspection service; (b) staff of the labour inspection service; (c) statistics of workplaces liable to inspection and the number of workers employed therein; (d) statistics of inspection visits; (e) statistics of violations and penalties imposed; (f) statistics of industrial accidents; (g) statistics of occupational disease.

207. The application of provisions concerning the publication of reports has given rise to observations by the Committee in regard to many of the countries that have ratified the instrument. The dividing line, as regards the adequacy of reports, coincides with the division between industrially advanced countries and less developed countries. In the former, the services responsible for labour statistics are generally well equipped and provide annual inspection reports which on the whole contain the information stipulated by the Convention. Elsewhere, the reports contain only part of the required data.

CHAPTER IX

DIFFICULTIES AND PROGRESS IN APPLYING THE CONVENTION

208. The Labour Inspection Convention (No. 81) has been ratified by 64 States Members and declared applicable without modification to 18 non-metropolitan territories. It is one of the instruments of the International Labour Organisation which has evoked the widest response around the world. The large number of countries bound by its obligations shows that governments are fully aware that it is useless to enact provisions for the protection of workers without an inspection system responsible for supervising their effective enforcement. The Committee welcomes this sense of awareness.

209. The establishment and operation of labour inspection services in accordance with the well-tried principles of the Convention is not without its difficulties, as can be seen from the reports submitted by the governments. It is encouraging, nevertheless, to note that a number of countries have taken, or propose to take, legislative or practical measures aimed at giving fuller effect to the instruments in question and that others are giving favourable consideration to the ratification of the Convention.

210. The application of the Convention has given rise, however, to a representation made under the I.L.O. Constitution, which should be mentioned here.¹

APPLICATION DIFFICULTIES: OBSTACLES TO THE RATIFICATION OF THE CONVENTION OR TO THE ACCEPTANCE OF RECOMMENDATION NO. 81

Questions concerning Convention No. 81

211. In Canada the federal structure of the State, according to the Government, makes it difficult to apply the Convention and hence to ratify it. Two other Governments, those of Australia and the United States, have mentioned this circumstance which, according to the information supplied, is an obstacle to the ratification and full application of the Convention. In all three cases, questions relating to labour inspection are within the concurrent jurisdiction of the federal government and of those of the various constituent units. While this possibility is envisaged in Article 4, paragraph 2, of the Convention, all the provisions of the Convention must nevertheless be complied with by the inspection services at both levels. The information contained in the reports from the Governments concerned shows that the organisation and operation of labour inspection vary greatly from one state or province to another,

¹ Brazil. By letter dated 15 June 1965, the Association of Federal Servants of the State of São Paulo, in virtue of Articles 24 and 25 of the Constitution of the International Labour Organisation, made a representation to the International Labour Office alleging the non-observance of various provisions of Convention No. 81. The Governing Body of the International Labour Office, at its 163rd Session (November 1965), set up a Committee in accordance with Article 2, paragraph 3, of the Standing Orders concerning the Procedure for the Discussion of Representations. This Committee is studying the matter and will report to the Governing Body in due course.

departing from the principles laid down in the Convention to a greater or lesser degree. Federal inspection in Australia and the United States, on the other hand, would appear to conform largely to the provisions of the Convention (in Canada inspection at federal level is being organised).

212. The main difficulty is therefore to harmonise the inspection systems of the various federated states in accordance with the Convention, so as to ensure the uniform application of the latter throughout the federal territory. Where the division of responsibility prevents the Governments in question from taking measures of general application, the development of machinery for consultation between the federal inspection authorities and those of the federated states or provinces could contribute considerably to removing this difficulty. The Government of Canada states that it is setting up such machinery.

213. Other obstacles inherent in either the Convention or the national laws have been indicated by a number of countries as preventing them from ratifying the Convention.

214. Article 6 of the Convention is one of these obstacles, according to the Governments of Czechoslovakia and Poland. Other countries, and particularly socialist countries, could encounter similar difficulties. As noted, Article 6 of the Convention provides that the inspection staff shall be composed of "public officials". In the countries mentioned the labour inspector's duties are widely carried out by members of trade unions. There is, of course, a state inspection service composed of public officials, but the size of this service and the relations between the two systems of inspection cannot always be exactly assessed from the information supplied by the government. For example, the report of the Government of Poland clearly stresses the supplementary nature of the state inspection service in relation to that of the trade unions¹, while in the U.S.S.R. the situation would seem to be reversed.²

215. In this latter case the performance of inspection duties by members of trade unions might be regarded less as an exception to Article 6 of the Convention than as an arrangement justified under Article 5 (b), in accordance with which collaboration shall be promoted between officials of the labour inspectorate and employers and workers or their organisations. In the opposite case, as in Poland or other countries where the situation is similar, the inspection staff is composed mainly of workers who are not public officials, whereas the Convention, as already pointed out, provides that this staff "shall be composed of public officials". This is probably the reason why certain of the countries in question have not ratified the Convention.

216. It has, however, already been seen³, from the preparatory work on the Convention, that the International Labour Conference, in providing that the inspection staff should be composed of public officials, was mainly concerned to assure this staff of stability of employment and independence. The Conference considered that the status of public officials would provide the most suitable guarantees in this res-

¹ Poland: the Government indicates that the state organs (the health and mining inspection services, the technical bureau for the supervision of steam boilers, high-pressure containers, etc.) only supplement the activities of the trade union labour inspection system, which is the main supervisory body for the enforcement of legislation concerning labour conditions.

² U.S.S.R.: the report states that the application of the laws and regulations is under constant supervision by a vast network of state bodies and that the most representative organisations provide valuable assistance to the State in this sphere. See also para. 90, footnote 1.

³ See paras. 99 and 100.

pect. However, other formulas offering the same guarantees have been regarded as satisfactory.¹

217. Finally, the extent to which national law or practice is in accord with Article 6 of the Convention can be evaluated only after examining all the relevant factors in each individual case.

218. Articles 12 and 13 of the Convention, relating to the powers of labour inspectors, are not always applied precisely and strictly. The national legislations either define those powers in general terms which do not follow all the prescriptions of the Convention or contain clauses restricting the inspectors' right freely to enter and inspect workplaces liable to inspection. The Governments of Australia and Cameroon (Eastern Cameroon) have expressly recognised in their reports that discrepancies on this point between their legislation and the Convention are an obstacle to ratification. Other governments (Ethiopia, Libya, Zambia), which contemplate amending their legislation to confer on labour inspectors all the powers provided for under Article 12 of the Convention, implicitly admit that the situation is not in conformity with the Convention. The attention of several countries which have ratified the Convention has been drawn to discrepancies concerning the powers of labour inspectors.

219. If, therefore, labour inspectors are not empowered by the national legislation to do all that the Convention stipulates, this is certainly not due to any objection of principle on the part of the governments concerned to conferring on the inspection staff powers as broad as those set forth in the Convention. The requirements do not appear to be extensive; indeed, the adoption of lower standards could seriously inhibit the efficiency of the inspection services. Moreover, the reports from the governments generally agree on the essential nature of powers of labour inspectors.

220. Only difficulties of a technical nature can explain the unsatisfactory situation described above. The provisions contained in Article 12 of the Convention and, to a lesser extent, in Article 13, are, however, precise enough to be introduced into national legislation without major adjustments.

221. Article 20 of the Convention concerning the publication by the central inspection authority of an annual report on the work of the inspection services and its communication to the I.L.O. is one of the grounds on which ratification is not contemplated in two countries (Australia and Gabon). The Government of Australia states that no report is published by the inspectorate of the Commonwealth of Australia and that it would moreover be difficult to comply with the 12-month time-limit mentioned in the Convention for the publication of the report concerning the previous year. For the Government of Gabon the annual inspection reports are confidential and cannot possibly be transmitted.²

222. Two governments consider that the lack of material resources and the shortage of inspection staff prevent them from ratifying the Convention. The report from Chile states that the labour inspectorate lacks suitable premises and transport

¹ This is true in Bulgaria, where the status of inspectors is regulated by the Labour Code, and in Denmark, where contracts are concluded between certain members of the inspection staff and the Government.

² Gabon: this argument is rather surprising, given the nature of the information contained in these annual reports under Article 21 of the Convention and bearing in mind the use made of them by the International Labour Office.

facilities as required by Article 11 of the Convention.¹ According to the Government of the Congo (Brazzaville), ratification has been delayed because of the lack of qualified staff and the inadequate premises and equipment available to the inspection services.

223. Unfortunately, these two cases are not the only ones of their kind, as can be seen from the chapter on the resources available to inspection services. The inadequacy of material facilities is obviously a serious obstacle to the effective operation of labour inspection. It would be desirable for the States concerned to take the necessary measures to reach the level of the Convention, thus rendering possible its ratification.

Questions concerning Recommendation No. 81

224. Some governments have stated that they cannot accept the Recommendation for reasons relating to this or that provision contained therein. It may be emphasised here that a Recommendation, unlike a Convention, is intended not to create legal obligations but to provide a guideline for action on the part of governments, so that it can be accepted and applied either wholly or in part.

225. Several countries² have stated that their legislation is not entirely in accordance with Part I of the Recommendation, particularly where it states that plans for new establishments, plant or processes should be submitted to the labour inspection service for approval. Some of them (Finland, Ghana, Italy) are, however, contemplating the necessary amendments to their legislation to bring it into conformity with the Recommendation.

226. A large number of countries consider that it is essential for the labour inspectors to undertake conciliation or arbitration in collective disputes, either because they are the persons best suited to this task or because of the shortage of staff. As a rule, the governments state that the performance of the inspectors' main duties is not hampered by this additional task. This is possible, but presupposes a staff that is both adequate and specially trained for the duties it has to perform.

MODIFICATIONS OF NATIONAL LAW AND PRACTICE MADE OR CONTEMPLATED BY GOVERNMENTS

227. Most of the countries to which the Convention applies and whose law or practice has given rise to observations on the part of the Committee propose to take the necessary measures to eliminate the discrepancies observed or to fill certain gaps. Some governments³ which have not ratified the Convention state that legislation is being prepared to give effect to such provisions of the Convention as are not yet covered. In another country⁴ the organisation and operation of the labour inspection services are being revised and the Government has stated that it will keep the I.L.O. informed of the steps to be taken in this respect.

¹ Chile: the Government also states that, contrary to Article 9 of the Convention, the labour inspectorate does not comprise technical experts and specialists, nor are experts from outside the inspectorate associated in its work.

² Finland, Ghana, Ireland, Italy, Kenya, Luxembourg, Senegal, Switzerland.

³ Burundi, Cameroon (Eastern Cameroon), Ethiopia, Libya, Philippines, Zambia.

⁴ Rumania.

RATIFICATION PROSPECTS

228. The ratification of the Convention is receiving favourable consideration in several countries: the Government of Burundi has stated that it contemplates ratifying the Convention after the reorganisation of the national labour services undertaken with the assistance of the I.L.O. In Colombia the Convention has been submitted to Parliament with a view to its ratification. The same procedure will be initiated in due time in the Congo (Leopoldville) and in Rwanda. In Libya the Convention is in the process of being ratified. The Government of the Malagasy Republic has stated that it will consider the possibility of ratifying the Convention in due course. In the Sudan studies with a view to ratification have been initiated.

229. The Government of the Niger has stated that there are no obstacles to its ratifying the Convention, but it has not specified its decision in this connection.

230. The Government of the Ivory Coast intends to ratify the Convention, provided that the bodies which supervise the application of Conventions and Recommendations do not reproach it with having a general inspection system for all branches of activity and assigning to the labour inspectors conciliation functions in industrial disputes.¹

¹ Ivory Coast: as regards the first point raised by the Government, a single general labour inspection system is in itself in no way contrary to the Convention. Some of the countries which have ratified the Convention have systems similar to that of the Ivory Coast and they have been considered satisfactory (see Chapter III). With respect to the second point, it should be noted that the prohibition of labour inspectors from acting as conciliators is contained in Recommendation No. 81 and not in the Convention, which is the only instrument creating a legal obligation on the part of a ratifying government. However, Article 3, paragraph 2, of the Convention should be borne in mind, for it states that any further duties entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties.

FINAL REMARKS

231. The broad lines of the organisation and operation of the labour inspection services in nearly 140 countries or territories have been described in relation to the Labour Inspection Convention (No. 81) and the two Recommendations, Nos. 81 and 82, which supplement it. This survey has been facilitated to a considerable degree by the reports, often detailed, on the application of these instruments supplied by the governments, and also for a reason inherent in the Convention itself, namely that, technically speaking, it is one of the most detailed instruments of the I.L.O. Its provisions are clear and precise and do not give rise to any important difficulty of interpretation.

232. Examination of the Governments' reports and of information from other sources enables certain conclusions to be drawn regarding the application, in law and in practice, of the principle provisions of these instruments.

233. The first fact that stands out is that virtually all the countries covered by the present survey have a labour inspection system. The few exceptions to this rule tend to relate to countries whose territory and population are small or whose economy is not as yet highly diversified. The principle to set up services to supervise the application of the labour laws, which was enunciated in the original Constitution of the I.L.O., has thus now become an almost universal reality. However, the degree of development reached in the organisation of such systems varies from one country to another.

234. Analysis of the reports of governments leads to another conclusion concerning the scope of the activities of the labour inspection services. In providing that the inspection system shall apply to workplaces in respect of which legal provisions are enforceable by labour inspectors, it was stressed that the Convention leaves it implicitly to the competent national authorities to determine, even in industry, the exact scope of inspection; the extension of labour inspection to commerce is not compulsory for the States which ratify the Convention; moreover, the Convention does not apply to agriculture. It will also be useful to recall in this connection that, when it adopted the Convention, the Conference also adopted a resolution inviting governments to extend the labour inspection system to all workers in industrial and commercial undertakings, without exception. In the great majority of countries, the inspection system does, in fact, cover the main branches of economic activity (industry, commerce, mining and transport and even agriculture). A number of countries, including the United Kingdom and Switzerland, which are bound only by Part I of the Convention (industry), are giving favourable consideration to the ratification of Part II (commerce).

235. As regards agriculture, it has already been pointed out that Convention No. 81 is not applicable thereto. This constitutes a serious gap in the instrument. In the face of the steady development of protective social legislation applicable to agricultural workers, in view of the fact that a large part of the world's population is engaged in agriculture and in view of the increasing mechanisation of agriculture, the Committee considers that it would be highly desirable for the I.L.O. to examine

the possibility of adopting an instrument on labour inspection in agriculture which would supplement Convention No. 81.

236. The scope of the labour inspection systems is thus extremely broad. However, the information available seems to indicate that in certain countries public undertakings and industrial and commercial undertakings operated wholly or partly by the State, while not expressly excluded from the scope of labour inspection, in practice remain outside its supervision. Given the large number of workers employed in undertakings of this nature it would seem important to pay special attention to this question in future.

237. Within the sphere of its own competence to act, the labour inspectorate generally performs under national law the functions prescribed by the Convention, which consist basically in supervising the application of the legal provisions relating to conditions of work and to the protection of workers while engaged in their work. However, there is a trend, which in certain cases may cause serious concern, towards entrusting to labour inspectors an increasing number of other duties which may interfere with their primary mission. For example, they are sometimes called upon to carry out economic and demographic surveys and draw up statistics concerning the labour market. Elsewhere, they take part in the work of various administrative bodies, such as committees set up in connection with the working out and putting into effect of national plans for economic and social development or joint committees for the drafting of collective labour agreements.

238. In advanced countries this situation can be explained by the increasing intervention of the public authorities in economic matters and the necessity in which governments find themselves of collecting data as complete as possible on which to base their economic and social policy. Labour inspectors are naturally called upon because of their direct knowledge in this field. In developing countries, on the other hand, the general shortage of qualified staff is invoked by some governments to justify the assignment of added accessory duties to labour inspectors.

239. However natural the trend to multiply the duties of labour inspectors may be against this background, it does not seem to be without danger, and to remove the danger measures would have to be taken to avoid the risk of the inspectors finding themselves with no more time for their essential duties. Otherwise, the very foundations of labour inspection might be threatened. It is to be hoped that governments will be able to work out appropriate arrangements to safeguard the primary mission of labour inspection.

240. In regard to the status and training of labour inspectors, analysis of the reports of governments reveals other interesting facts. In most countries the labour inspection staff is composed of public officials. In other countries different methods have also been used. At all events, the status of labour inspectors should in principle secure their stability of employment and render them "independent of changes of government and of improper external influences". This principle, expressed in general terms in the Convention, covers a very elementary concern, namely that the labour inspector should be able to report abuses committed in undertakings and make or have made orders requiring the correction of these abuses, in full independence, without any risk of retaliation. This is a prerequisite of effective action on the part of the inspection services.

241. Similarly, with regard to the training of labour inspectors, nearly all governments consider themselves satisfied with the standard of training of their inspection staff, and it is true that national conditions are a determining factor in this connection.

But the information supplied by the same governments shows that the role of labour inspectors is on the whole extremely broad and complex and calls for such professional qualifications and personal qualities as may enable them to exercise their authority with both employers and workers and the creation of a healthy relationship and a climate of trust without which they would be seriously hampered in the discharge of their duties. This aspect of the question calls for the most serious consideration.

242. With regard to the powers of the labour inspectors, the right to enter freely any undertaking and carry out there any examination they think fit, as well as the right to make or have made orders aimed at remedying the defect observed, are generally provided for in the national legislation, although there are sometimes restrictive clauses that are not in accord with the Convention.

243. The importance, both nationally and internationally, of the annual general reports on the work of the inspection services that must be published by the central inspection authority, in accordance with Article 20 of the Convention, has already been stressed. It is to be hoped that the numerous countries bound by the Convention that do not yet comply with the provisions of this Article will take the necessary measures within a reasonable period.

244. To sum up, it may be said nevertheless that the various national labour inspection services operate in general along the broad lines laid down by the Convention. As to their practical effectiveness, this can only depend on the staff and material resources placed at their disposal which, as has been seen, are inadequate in a number of countries.

245. It is, however, only just to recognise the appreciable efforts made in several countries to enable labour inspection to fulfil its role. The Committee notes with interest the important part played by the International Labour Office in supporting these efforts. The Office provides technical assistance to an increasing number of countries in Africa, Asia and Latin America. This technical assistance involves the assignment of experts in labour administration, at the national or regional level, for the purpose of carrying out projects concerning, *inter alia*, the organisation and operation of labour services and the training of their staff. Particular attention has been given to the training of labour inspectors by the granting of scholarships, the organisation of national or regional seminars and the creation of training centres. The results already achieved offer encouraging prospects for the future.

246. Furthermore, the trend observed in several countries towards associating the workers and their organisations more closely with labour inspection seems likely to increase its effectiveness.

247. The past history of the labour inspection services is proof of their ability to adapt themselves to new situations. Beginning as a modest policing activity, carried on with almost non-existent powers, labour inspection has gradually developed both in breadth and in depth, in the face of the increasingly complex problems born of the growth of industry. If the labour inspection of today is compared with that at the beginning, it is impossible not to be impressed by the vigour of its progress and the importance of the place it has won in the world of labour. Such vitality augurs well for the future of this institution.

LEGISLATION CONSULTED

Labour Inspection

AFGHANISTAN

Regulations of 16 January 1946 to govern the employment of persons in industrial establishments (*L.S.*¹ 1946—Afghan. 1), as amended.

ALGERIA

Labour Code (Books I and II).

Act of 19 December 1917 respecting dangerous, unhealthy or noxious premises, as amended by the Acts of 20 April 1932 and 21 November 1942.

Decree of 31 December 1920 (by virtue of which employers are bound to declare activities liable to cause occupational disease).

Decree of 1 August 1947 introducing regulations concerning the appointment of health and safety committees in establishments covered by Chapter I, Part II, Book II of the Labour Code and the Order of 25 January 1949 issued thereunder.

Order of 5 March 1952 respecting the organisation of labour services.

Order of 2 August 1957 respecting the organisation and functioning of the industrial medical services (*J.O.*, 20 August 1957, No. 69; *L.S.* 1957—Alg. 1).

Order No. 1153/TP/FR 1 of 15 May 1961 establishing a labour and manpower inspectorate for the transport industry.

Decree No. 64-219 A of 6 August 1964 extending the scope of the labour laws to worker-managed undertakings.

Decree No. 64/315 of 10 November 1964 determining recruitment and salary terms for labour and manpower inspectors.

ARGENTINA

Act No. 8999 of 30 September 1912 setting up a Labour Department (*Leyes Nacionales*, Vol. XVIII, p. 118); (*Crónica mensual del departamento nacional del trabajo*, 1926, No. 99, p. 1743).

National Act No. 9688 of 11 October 1915 respecting industrial accidents and occupational diseases (*Leyes Nacionales*, Vol. XIX) (*L.S.* 1957—Arg. 1 C).

Act No. 11317 to regulate the employment of women and young persons. Dated 30 September 1924 (*Crónica mensual del departamento nacional del trabajo*, No. 81, p. 1417; *L.S.* 1924—Arg. 1 A).

Act No. 11570 of 25 September 1929 respecting the supervision of the observance of the labour laws and their administration (*Boletín Oficial (B.O.)*, 25 October 1929, Vol. XXXVII, No. 10646, p. 882) (*Crónica mensual del departamento nacional del trabajo*, September 1929, No. 139, p. 2919) (*L.S.* 1929—Arg. 2).

Decree No. 15074 of 27 November 1943 to organise the Labour and Welfare Secretariat (*B.O.*, 4 December 1943, No. 14770, p. 2).

Decree No. 21877 of 16 August 1944 concerning penalties for obstructing the action of the Labour and Welfare Secretariat (*B.O.*, 24 August 1944, No. 944).

Decree No. 12664 of 4 May 1946 concerning occupations harmful to health (*B.O.*, 10 May 1946).

Decree No. 12333/47 to set up the General Directorate for Supervision and Health Inspection in the Labour and Welfare Secretariat (*B.O.*, 9 May 1947).

Decree No. 21288/47 respecting the powers and duties of the General Directorate for the Supervision and Health Inspection of Labour (*Anales de Legislación Argentina*, Vol. VII, 1947).

Decree No. 1005 of January 1949 regulating the procedure for reporting industrial accidents (*Boletín de Trabajo*, 12 October 1949, No. 218).

¹ *L.S.* = *Legislative Series* published by the I.L.O.

Legislative Decree No. 6666 of 17 June 1957: status of civilian personnel of public administration departments and Decree No. 1471 of 10 February 1958 to issue regulations thereunder.
Other decrees organising labour services in the various provinces.

AUSTRALIA

Commonwealth :

Conciliation and Arbitration Act, 1904, as amended up to 1965 (*L.S.* 1928—Aust. 2, and subsequent amendments up to 1958: *L.S.* 1958—Aust. 1).
Coal Industry Act, 1946, as amended up to 1957.
Coal Industry Act (Tasmania), 1949.

Australian Capital Territory

Machinery Ordinance, 1949.
Scaffolding and Lifts Ordinance, 1957.

Northern Territory

Factories Act of South Australia, 1907, as amended up to 1910.¹
Scaffolding Inspection Ordinance, 1932, as amended up to 1962: Ordinance No. 8 of 5 February 1962.
Mining Ordinance, 1939, as amended up to 1964.
Mines Regulation Ordinance, 1939, as amended up to 1964.
Inspection of Machinery Ordinance, 1941, as amended up to 1962.
Workmen's Compensation Ordinance, 1949, as amended up to 1964.
Motor Vehicles Ordinance, 1949, as amended up to 1963.

States :

New South Wales

Inspection of Mines Act, 1901, as amended up to 1962: Act No. 8 of 21 May 1962.
Mines Act, 1906, as amended up to 1963.
Coal Mines Regulation Act, 1912, as amended up to 1964: Act No. 19 of 12 May 1964.
Scaffolding and Lifts Act, 1912, as amended up to 1958: Act No. 3 of 28 March 1958.
Workers' Compensation Act, 1926, as amended up to 1964: Act No. 66 of 16 December 1964.
State Transport (Co-ordination) Act, 1931, as amended up to 1964.
Industrial Arbitration Act, 1940, as amended up to 1964: Act No. 37 of 16 October 1964.
Annual Holidays Act, 1944, as amended up to 1964: Act No. 31 of 29 September 1964.
Coal Industry Act, 1946, as amended up to 1960.
Factories, Shops and Industries Act No. 43, of 19 December 1962, as amended by Act No. 58 of 16 December 1964.

Queensland

Mines Act, 1898, as amended up to 1955.
Mines Regulation Act, 1910, as amended up to 1964: Act No. 35 of 24 December 1964.
Inspection of Scaffolding Acts, 1915, as amended up to 1963.
Workers' Compensation Act, 1916, as amended up to 1964: Act No. 58 of 21 December 1964.
Coal Mining Act, 1925, as amended up to 1965.
Labour and Industry Act, 1946, as amended up to 1963: Act No. 38 of 16 December 1963.
State Transport Facilities Act, 1946.
Inspection of Machinery Act, No. 33 of 1951, as amended up to 1963: Act No. 17 of 3 December 1963.
Factories and Shops Act, No. 41 of 16 December 1960 (*L.S.* 1960—Aust. 1), as amended up to 1964.
Industrial Conciliation and Arbitration Act, 1961, as amended up to 1964: Act No. 67 of 23 December 1964.

South Australia

Employees' Registry Offices Act, 1915, as amended up to 1953.
Industrial Code, 1920, as amended up to 1963: Act No. 59 of 5 December 1963.
Mines and Works Inspection Act, 1920, as amended up to 1964: Act No. 31 of 22 October 1964.

¹ This Act, passed prior to the administration of the territory being taken over by the Commonwealth Government, is still in force.

Early Closing Act, 1926, as amended up to 1960: Act No. 48 of 24 November 1960.
 Mining Act, 1930, as amended up to 1955.
 Road and Railway Transport Act, 1930, as amended up to 1954.
 Workmen's Compensation Act, 1932, as amended up to 1963: Act No. 55 of 28 November 1963.
 Scaffolding Inspection Act, 1934, as amended up to 1963: Act No. 43 of 28 November 1963.
 Steam Boilers' and Engine Drivers' Act, 1935, as amended up to 1952.

Tasmania

Master and Servant Act, 1856, as amended up to 1942.
 Wages Boards Act, 1920, as amended up to 1964: Act No. 36 of 20 November 1964.
 Shops Act, 1925, as amended up to 1964.
 Workers' Compensation Act, 1927, as amended up to 1964: Act No. 65 of 17 December 1964.
 Mining Act, 1929, as amended up to 1962.
 Transport Act, 1938, as amended up to 1964.
 Employers' Liability Act, 1943, as amended up to 1954.
 Factories, Shops and Offices Act, 1958, as amended up to 1965.
 Mines and Works Regulations Act, 1959, as amended up to 1962.
 Inspection of Machinery Act, No. 68 of 19 December 1960.

Victoria

Labour and Industry Act, 1958, as amended up to 1964: Act No. 7202 of 15 December 1964.
 Employers' and Employees' Act, 1958.
 Master and Apprentice Act, 1958.
 Mines Act, 1958, as amended up to 1964.
 Coal Mines Regulation Act, 1958, as amended up to 1960.
 Transport Regulation Act, 1958, as amended up to 1961.

Western Australia

Mining Act, 1904, as amended up to 1964.
 Workers' Compensation Act, 1912, as amended up to 1964: Act No. 88 of 14 December 1964.
 Industrial Arbitration Act, 1912, as amended up to 1963: Act No. 76 of 19 December 1963.
 Factories and Shops Act, 1920, as amended up to 1963: Act No. 44 of 3 December 1963.
 Inspection of Machinery Act, 1921, as amended up to 1958.
 Inspection of Scaffolding Act, 1924, as amended up to 1962: Act No. 76 of 6 December 1962.
 State Transport Co-ordination Act, 1933, as amended up to 1961.
 Mines Regulations Act, 1946, as amended up to 1961: Act of 21 February 1961.
 Coal Mines Regulations Act, 1946, as amended up to 1962.
 Various laws and regulations respecting safety and health in specialised activities and industries.

Australian Territories :

Nauru

Chinese and Native Labour Ordinance, No. 18 of 18 November 1922 (*L.S.* 1922—*L.N.* 4), as amended in 1923 (*L.S.* 1923—*L.N.* 3), and in 1924 (*L.S.* 1924—*L.N.* 3) and by Ordinance No. 5 of 2 April 1964.
 Industrial Safety (Temporary Provisions) Ordinance, No. 1 of 9 January 1957.
 Native Employment Ordinance, No. 56 of 24 December 1958, as amended by Ordinances No. 56 of 12 December 1960, 39 of 23 August 1963 and 68 of 23 October 1963; and Regulations made thereunder.
 Workmen's Compensation Ordinance, No. 59 of 31 December 1958, as amended by Ordinances No. 46 of 4 December 1959 and 11 of 30 January 1964.
 Industrial Safety, Health and Welfare Ordinance, No. 54 of 28 December 1961, and Regulations made thereunder (in force on 1 July 1965).
 Public Service Ordinance, No. 20 of 1963.

AUSTRIA

Ordinance No. 227 of 1859 respecting arts and crafts (*Reichsgesetzblatt*, 1859).
 Act No. 77 of 1871 respecting the setting up and the scope of the mining authorities (*Bundesgesetzblatt (BGBl)*, 1871).

- Act No. 406 of 28 July 1919 respecting the employment of young persons and women in the mining industry (*L.S.* 1919—Aus. 11), as amended by the Acts No. 325 of 1927, No. 190 of 1928 (*BGBI*, 1928, No. 53) (*L.S.* 1928—Aus. 3 C), by the Ordinance No. 209 of 1933 and by the Act No. 50 of 1948.
- Employees' Act No. 292 of 11 May 1921, as amended by the Acts No. 229 of 1937, No. 174 of 1946, No. 159 of 1947, No. 108 of 1958 and No. 253 of 1959.
- Federal Act No. 76 of 26 February 1947 respecting the determination of conditions of employment and remuneration by means of collective agreements and rules of employment (*BGBI*, 6 May 1947, No. 20) (*L.S.* 1947—Aus. 1), as amended by the Acts No. 95 of 1950, No. 92 of 1959 and No. 60 of 14 February 1962 (*BGBI*, 6 March 1962).
- Federal Works Councils Act No. 97 of 28 March 1947 (*BGBI*, 2 June 1947, No. 25) (*L.S.* 1947—Aus. 2), as amended by the Acts No. 157 of 1948, No. 190 of 1954 and No. 234 of 23 July 1962 (*BGBI*, 7 August 1962, No. 60).
- Federal Act of 1 July 1948 respecting the employment of children and young persons (*BGBI*, 19 August 1948, No. 33) (*L.S.* 1948—Aus. 3), as amended by the Act No. 45 of 13 February 1952 (*BGBI*, 31 March 1952, No. 45) (*L.S.* 1952—Aus. 1 A), the Ordinance No. 258 of 25 October 1954 (*BGBI*, 13 December 1954, No. 56) (*L.S.* 1954—Aus. 3) and the Acts No. 70 of 31 March 1955 (*BGBI*, 30 April 1955, No. 21) (*L.S.* 1955—Aus. 2 B) and No. 113 of 5 April 1962 (*BGBI*, 27 April 1962, No. 27) (*L.S.* 1962—Aus. 1).
- General Ordinance of the Federal Ministry of Social Administration No. 265 of 10 November 1951 to make general provisions for the protection of the life and health of employees (*BGBI*, 28 December 1951, No. 63), as amended in 1962 (*BGBI*, 1962, No. 32).
- Federal Act No. 99 of 20 May 1952 respecting the labour inspection service for transport and communications (*BGBI*, 30 June 1952, No. 23), as amended by the Act No. 80 of 13 March 1957 (*BGBI*, 28 March 1957, No. 22).
- Ordinance of the Federal Ministry of Social Administration, No. 77 of 7 January 1954 respecting the protection of the lives and health of employees in the carrying out of explosions (*BGBI*, 30 April 1954, No. 18).
- Federal Act of 10 March 1954 respecting mining (*BGBI*, 16 April 1954, No. 16).
- Ordinance of the Federal Ministry of Social Administration, No. 267 of 10 November 1954 respecting measures for protecting the life and health of workers engaged in building and in related or ancillary operations (*BGBI*, 30 December 1954, No. 59).
- Ordinance of the Federal Ministry of Social Administration, No. 122 of 31 March 1955 respecting the protection of the lives and health of workers in iron and steel foundries (*BGBI*, 24 June 1955, No. 27).
- Ordinance No. 144 of 30 June 1955 determining the headquarters and the scope of the General Inspectorates of Mines.
- Federal Act No. 189 of 9 September 1955 respecting general social insurance (*BGBI*, 30 September 1955, No. 50) (*L.S.* 1955—Aus. 3), as amended by the Acts No. 266 of 18 December 1956 (*BGBI*, 28 December 1956), of 18 July and of 18 December 1957 (*BGBI*, 30 July and 31 December 1957) No. 78, of 17 December 1958 (*BGBI*, 30 December 1958, No. 78), of 17 December 1959 (*BGBI*, 30 December 1959, No. 73), of 6 April 1960 (*BGBI*, 15 April 1960, No. 24), of 14 July 1960 (*BGBI*, 3 August 1960, No. 50) (*L.S.* 1960—Aus. 5), of 5 December 1960 (*BGBI*, 29 December 1960, No. 76), of 15 December 1961 (*BGBI*, 11 January 1962, No. 4) (*L.S.* 1961—Aus. 2), No. 85 of 16 April 1963 (*BGBI*, 25 April 1963, No. 21) and No. 184 of 11 July 1963 (*BGBI*, 26 July 1963, No. 56).
- Ordinance of the Federal Ministry of Social Administration and the Federal Ministry of Commerce and Reconstruction, No. 253 of 25 October 1955 respecting the protection of the workers engaged in, and the persons resident in the vicinity of, stone quarrying, clay, sand and gravel excavation and earth works (*BGBI*, 28 December 1955, No. 70).
- Federal Government Notification No. 147 of 29 May 1956 to consolidate the Labour Inspection Act (*BGBI*, 23 July 1956, No. 41).
- Ordinance of the Federal Ministry of Social Administration, No. 194 of 5 September 1956 respecting the protection of the life and health of persons employed in textile undertakings (*BGBI*, 11 October 1956, No. 54).
- Ordinance of the Federal Ministry of Commerce and Reconstruction No. 114 of 2 April 1959 respecting the measures to be taken during mining operations to protect the lives and health of persons and to protect material objects (*BGBI*, 8 May 1959, No. 32).

BELGIUM

Act of 5 May 1888 respecting the inspection of dangerous, unhealthy or noxious workplaces and the supervision of machinery and steam boilers (*Moniteur belge (M.B.)*, 13 May 1888) (*Code Larcier* 1965, Vol. III, p. 706).

Royal Order of 6 March 1936 for the reorganisation of the labour inspection service (*M.B.*, 29 March 1936) (*L.S.* 1936—Bel. 2 A).

Royal Order of 2 October 1937 to establish conditions of service for State employees (*M.B.*, 8 October 1937) (*Code Larcier* 1965, Vol. V, p. 51).

Royal Order of 3 July 1945 to make regulations governing the post of welfare inspectors attached to the General Directorate for Industrial Relations (*M.B.*, 13-14 August 1945).

Royal Order of 3 July 1945 to establish the post of welfare control officer (*M.B.*, 13-14 August 1945) as amended by the Royal Decrees of 10 January 1946 (*M.B.*, 21-22 January 1946) and 17 March 1951 (*M.B.*, 25 March 1951).

General Labour Protection Regulations, approved by the Orders of the Regent of 11 February 1946 (*M.B.*, 3-4 April 1946) and 27 September 1947 (*M.B.*, 3-4 October 1947) (*Code Larcier* 1965, Vol. III, pp. 573 and 706).

Act of 10 June 1952 respecting the health and the safety of workers and the salubrity of work and workplaces (*M.B.*, 19 June 1952) (*L.S.*, 1952—Bel. 3), as amended by the Act of 17 July 1957 (*M.B.*, 26 July 1957) (*L.S.* 1957—Bel. 3) and the Act of 28 January 1963 (*Code Larcier* 1965, Vol. III, p. 709).

Royal Order of 23 December 1957 to determine the allocation of duties among the officials and employees of the Ministry of Labour and Social Welfare and the Mines Department who are responsible for labour inspection (*M.B.*, 13-14 January 1958) (*Code Larcier* 1965, Vol. III, p. 711).

Royal Order of 27 July 1964 to make regulations governing the post of industrial conciliation officer (*M.B.*, 12 August 1964).

Mining Code brought up to date as at 21 December 1962, in particular:

Acts respecting mines and underground quarries, co-ordinated by the Royal Order of 15 September 1919 and subsequent amendments and additions (Mining Code, pp. 1-37, Vol. I).

General Regulations respecting mines and underground quarries (Royal Order of 5 May 1919 and Royal Order of 10 September 1950) (*ibid.*, Vol. I, pp. 40-66).

Royal Order of 29 April 1958 respecting the bodies responsible for the safety, hygiene and improvement of workplaces in mines and underground quarries, as amended by the Royal Order of 9 November 1959 (*ibid.*, Vol. I, pp. 71-91).

Act of 16 August 1927 to amend and supplement the Act of 11 April 1897 for the appointment of worker delegates for the inspection of coal mines and subsequent amendments and additions (*ibid.*, Vol. II, pp. 403-412).

Act of 12 April 1960 to establish the post of workers' delegate for the inspection of mines and quarries and Royal Orders of 23 August and 10 October 1960 for the execution of the Act (*ibid.*, Vol. II, pp. 529-530).

Royal Order of 25 January 1962 respecting training periods for workers' delegates in mines and quarries (*M.B.*, 8 February 1962).

BRAZIL

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*Diario Oficial (D.O.)*, 9 August 1943, No. 184; *L.S.* 1943—Braz. 1), as amended up to 1957 (*L.S.* 1957—Braz. 1 A and B).

Legislative Decree No. 1985 of 29 January 1940 to establish a Mining Code.

Legislative Decree No. 7036 of 10 November 1944 to revise the legislation relating to industrial accidents (*D.O.*, 13 November 1944, No. 264—*L.S.* 1944—Braz. 2) as amended (*L.S.* 1948—Braz. 1).

Legislative Decree No. 1711 of 28 October 1952 to establish conditions of service for public servants (*D.O.*, 1 November 1952).

Decree No. 55841 of 15 March 1965 to approve the Labour Inspection Regulations (*D.O.*, 17 March 1965).

BULGARIA

- Labour Code (*Izvestiya (I.)*, No. 91, 13 November 1951) (*L.S.* 1951—Bul. 2) and Act to amend and supplement the Labour Code (*I.*, No. 92, 15 November 1957) (*L.S.* 1957—Bul. 2) (Part I and Part II, Chapter VII).
- Ordinance of 22 December 1952 (refund of expenses) (*I.*, No. 106, 26 December 1952).
- List of industrial safety and health measures to be included in planning, as prescribed in Decree No. 266 of 30 April 1953 of the Council of Ministers (*ibid.*, 1953, No. 50).
- Decision of the Praesidium of the National Assembly of 15 February 1954, recognising labour inspectors as representatives of the public powers (*I.*, No. 15, 19 February 1954).
- Decree No. 207 of 16 April 1954 of the Council of Ministers to set up a Technical Inspectorate of Mines, and Order No. 623 of 7 June 1959 of the Council of Ministers respecting the transfer of the Technical Inspectorate of Mines to the Central Council of Trade Unions.
- Regulations of 24 February 1958 concerning the recording and reporting of industrial accidents (*I.*, No. 31, 18 April 1958).
- Decision No. 30 of 25 February 1958, of the Council of Ministers, issuing regulations on the settlement of labour disputes (*I.*, No. 17, 28 February 1958).
- Regulations of 11 July 1958 of the Central Council of Trade Unions governing the trade union labour protection authorities responsible for supervising the protection of labour on behalf of the State (*I.*, 9 September 1958, No. 72), as amended on 23 April 1959 (*ibid.*, 2 June 1959, No. 44) (*L.S.* 1962—Bul. 1 B).
- Decree No. 215 of 1958 to improve the safety conditions of workers (*I.*, 1958, No. 95).
- Instructions respecting the preparation of reports and the penalties prescribed for offences under Part II of the Labour Code (*I.*, 1958, No. 72; 1959, No. 79; and 1961, No. 20).
- Decree of 1960 respecting the instruction of workers in matters of occupational safety and health (*I.*, 1960, No. 33).
- Regulations of 1 March 1961 to make provision for supernumerary trade union inspectors (*I.*, 31 March 1961, No. 26) (*L.S.* 1961—Bul. 2).
- Regulations of 1962 respecting the functions of the labour technical safety authorities set up under the general directorates of industry in the provinces and the undertakings subordinate thereto (*I.*, 1962, No. 35).
- Decision No. 57 of the Central Council of Trade Unions, to supplement the Regulations governing the trade union labour protection authorities responsible for supervising the protection of labour on behalf of the State and to amend the Regulations to make provision for supernumerary trade union labour inspectors (*I.*, No. 61, 31 July 1962) (*L.S.* 1962—Bul. 1 A).
- Regulations of 1962 respecting the Technical Inspectorate of Mines and its departments (*I.*, 1962, No. 88).
- Decree of 1962 respecting the application of the provisions of the Labour Code concerning occupational safety and health to the members of workers' co-operative farms (*I.*, 1962, No. 100).
- Order No. 858 of 3 December 1963 of the Council of Ministers respecting the establishment of a general inspectorate for the supervision of boilers.
- Various regulations respecting safety techniques in industrial installations (engines, hoisting devices, acetylene generators, industrial ovens, etc.).

BURMA

- Mines Act 1923, as amended up to 1955: Act No. III of 17 March 1955.
- Workmen's Compensation Act, 1923, as amended up to 1957: Act No. XXII of 2 April 1957.
- Payment of Wages Act, 1936, as amended up to 1949: Act No. XVII of 9 April 1949.
- Minimum Wages Act, No. LXVI of 1949 (*L.S.* 1949—Bur. 1), and Minimum Wages Orders for rice mills and cigar and cheroot factories.
- Shops and Establishments Act, No. LIX of 1951 (*L.S.* 1951—Bur. 5).
- Factories Act, No. LXV of 1951 (*L.S.* 1951—Bur. 6).
- Leave and Holidays Act, No. LVIII of 1951 (*L.S.* 1952—Bur. 1).
- Oilfields (Labour and Welfare) Act, 1951.

BURUNDI

- Decree of 8 January 1952 to establish a labour inspectorate in Rwanda-Urundi (*Bulletin officiel du Congo Belge*, 15 February 1952, No. 2, p. 408).

BYELORUSSIA

Labour Code of 1929, as amended.

Order of 30 June 1931 of the Council of People's Commissaries of the U.S.S.R. respecting public labour protection inspectors (*L.S.* 1931—Russ. 8).

Regulations approved by the Praesidium of the Central Council of Trade Unions of the U.S.S.R. on 17 January 1958, concerning the Trade Union Council labour inspectors (*Buylleten VTsSPS*, 1958, No. 3).

Regulations of 15 July 1958 respecting the rights of factory, works and local trade union councils (*L.S.* 1958—U.S.S.R. 3).

Order of the Praesidium of the Central Council of Trade Unions of the U.S.S.R. of 22 August 1958 respecting the organisation of supernumerary technical labour inspection services (*Buylleten VTsSPS*, 1958, No. 17).

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 (*L.S.* 1952—Fr. 5), as amended by Decree No. 567 of 20 May 1955 (*L.S.* 1955—Fr. 3; Part VII, Chapter I).

Act No. 59-43 of 14 June 1959 repealing Chap. I of Title VIII of the Act of 15 December 1952 and instituting procedures for the settlement of labour disputes (*Journal officiel du Cameroun*, 1 July 1959).

Decree No. 59-217 of 21 November 1959 respecting the organisation and operation of the technical supervisory services of the Ministry of Labour and Social Legislation (*ibid.*, 2 December 1959).

Ordinance No. 59-170 of 27 November 1959 establishing general rules for public servants (*ibid.*, 12 December 1959).

Decree No. 61-160 of 30 September 1961 establishing certain methods of organisation and operation for the institutions concerned with the prevention of and compensation for industrial accidents and occupational diseases (*ibid.*, 23 December 1961).

Decrees Nos. 61-17/COR and 61-13/COR of 30 December 1961 establishing special rules for labour inspectors and labour supervisors (*Journal officiel de l'Etat fédéré du Cameroun oriental*, 16 March 1962, No. 6).

Decree No. 63-46/COR of 16 April 1963 to reorganise the Department of Labour (*ibid.*, 1 May 1963, No. 9).

Order No. 5912 of 2 December 1953 respecting notification of the opening of undertakings.

Order No. 6312 of 22 December 1953 setting up a technical advisory committee for matters connected with workers' health and safety.

Order No. 3323 of 28 June 1954 to lay down general health and safety measures for undertakings in Cameroon.

Circular No. 018/TLS/SEGL of 9 February 1965 respecting inspection reports.

Western Cameroon :

Ordinance No. 54 of 5 November 1945 to constitute the Labour Code, as amended by Acts No. 8 of 20 May 1946, No. 29 of 1 September 1948, No. 7 of 29 April 1949 and No. 34 of 14 October 1950 (*L.S.* 1946—Nig. 1 A and 1 B; *L.S.* 1948—Nig. 1; *L.S.* 1949—Nig. 1; *L.S.* 1950—Nig. 1).

Factory Ordinance No. 33 of 14 September 1955, as amended by Ordinance No. 45 of 20 December 1958.

Act No. 5 of 3 May 1957 (Wages Board Ordinance Act) and various orders thereunder.

Labour Health Area Regulations, 1961.

CANADA

Federal Legislation :

Canada Labour (Standards) Code, assented to 18 March 1965 (13-14 Eliz. II, Ch. 38) (Acts of Parliament of Canada, 1964-65, Part 1, p. 307).

Federal Civil Service Act (*Statutes of Canada*, 1960-61, Vol. 1, p. 381), and regulations made thereunder.

Railway Act (R.S.C., 1952, Ch. 234).

Northwest Territories

Mining Safety Ordinance (*Revised Ordinances (R.O.)*, 1956, Ch. 70).

Yukon Territory

Mining Safety Ordinance (*R.O.*, 1958, Ch. 75).

Provincial Legislation :

Alberta

Labour Act (*Revised Statutes (R.S.)*, 1955, Ch. 167), as amended by the 1957 Act.
Workmen's Compensation Act (*R.S.*, 1955, Ch. 370).
Coal Mines Regulation Act (*R.S.*, 1955, Ch. 47).

British Columbia

Factories Act (*R.S.*, 1960, Ch. 136).
Electrical Energy Inspection Act (*R.S.*, 1960, Ch. 126).
Male Minimum Wage Act (*R.S.*, 1960, Ch. 230).
Female Minimum Wage Act (*R.S.*, 1960, Ch. 143).
Hours of Work Act (*R.S.*, 1960, Ch. 182).
Annual Holidays Act (*R.S.*, 1960, Ch. 11).
Department of Labour Act (*R.S.*, 1960, Ch. 105).
Payment of Wages Act, assented to 29 March 1962 (10-11 Eliz. II, Ch. 45).
Workmen's Compensation Act (*R.S.*, 1960, Ch. 413).
Coal Mines Regulation Act (*R.S.*, 1960, Ch. 61).
Metalliferous Mines Regulation Act (*R.S.*, 1960, Ch. 242).

Manitoba

Employment Standards Act, assented to 5 April 1957 (Ch. 20).
Construction Safety Act (*R.S.*, 1954, Ch. 29), as amended in 1962 (Ch. 3).
Vacations with Pay Act (*R.S.*, 1954, Ch. 278).
Construction Industry Wages Act, assented to 16 April 1964 (13 Eliz. II, Ch. 9).
Department of Labour Act (*R.S.*, 1954, Ch. 131).
Mines Act (*R.S.*, 1954, Ch. 166).
Workmen's Compensation Act, assented to 6 May 1963 (12 Eliz. II, Ch. 98).

New Brunswick

Industrial Safety Act, assented to 26 March 1964 (13 Eliz. II, Ch. 5).
Fair Wages and Hours of Labour Act (*Revised Statutes of New Brunswick*, 1953, Ch. 8).
Industrial Standards Act (*R.S.*, 1952, Ch. 109).
Minimum Employment Standards Act, assented to 26 March 1964 (13 Eliz. II, Ch. 8).
Vacation Pay Act of 1961-62, as amended by the Act of 26 March 1964 (13 Eliz. II, Ch. 59).
Minimum Wage Act (*R.S.*, 1952, Ch. 145).
Mining Act, 1961-62 (Ch. 45).
Workmen's Compensation Act (*R.S.*, 1952, Ch. 255).

Newfoundland

Minimum Wage Act (*R.S.*, 1952, Ch. 260).
Workmen's Compensation Act, assented to 20 March 1962 (Ch. 32).
Industrial Standards Act, assented to 20 June 1963 (Ch. 14).
Hours of Work Act, assented to 20 June 1963 (Ch. 69).
Regulation of Mines Act (*R.S.*, 1952, Ch. 178).

Nova Scotia

Coal Mines Regulation Act (*R.S.*, 1954, Ch. 35).
Metalliferous Mines and Quarries Regulation Act (*R.S.*, 1954, Ch. 176).
Factories Act (*R.S.*, 1954, Ch. 92).
Minimum Wage Act, assented to 18 March 1964 (13 Eliz. II, Ch. 7).
Industrial Standards Act (*R.S.*, 1954, Ch. 125).
Employment of Children Act (*R.S.*, 1954, Ch. 83).
Workmen's Compensation Act (*R.S.*, 1954, Ch. 319).
Vacation with Pay Act of 1958 (Ch. 14).

Ontario

Industrial Safety Act, assented to 25 March 1964 (12-13 Eliz. II, Ch. 45).
Minimum Wage Act (*R.S.*, 1960, Ch. 240).
Hours of Work and Vacations with Pay Act (*R.S.*, 1960, Ch. 181).

Industrial Standards Act (*R.S.*, 1960, Ch. 186).
 Department of Labour Act (*R.S.*, 1960, Ch. 97).
 One Day's Rest in Seven Act (*R.S.*, 1960, Ch. 269).
 Workmen's Compensation Act (*R.S.*, 1960, Ch. 437).
 Mining Act (*R.S.*, 1960, Ch. 241), as amended in 1961-62 (Ch. 81).

Prince Edward Island

Electrical Inspection Act (*R.S.*, 1951, Ch. 50).
 Steam Boiler Act (*R.S.*, 1951, Ch. 151).
 Workmen's Compensation Act (*R.S.*, 1951, Ch. 178).
 Women's Minimum Wage Act, assented to 25 March 1959 (8 Eliz. II, Ch. 33).
 Act respecting a minimum wage for men, assented to 13 April 1960 (9 Eliz. II, Ch. 27).

Quebec

Industrial and Commercial Establishments Act (*R.S.*, 1941, Ch. 175).
 General Regulations concerning industrial and commercial establishments of 13 June 1934 and amendments.
 Minimum Wage Act (*R.S.*, 1941, Ch. 164).
 Collective Agreement Act (*R.S.*, 1941, Ch. 163).
 Weekly Day of Rest Act (*R.S.*, 1941, Ch. 166).
 Workmen's Compensation Act (*R.S.*, 1941, Ch. 160).
 Mining Act (*R.S.*, 1941, Ch. 196).

Saskatchewan

Factories Act (*R.S.*, 1953, Ch. 336).
 Building Trades Protection Act (*R.S.* 1953, Ch. 341).
 Minimum Wage Act (*R.S.*, 1953, Ch. 264).
 Hours of Work Act (*R.S.*, 1953, Ch. 260).
 Industrial Standards Act (*R.S.*, 1953, Ch. 258).
 Coal Miners' Safety and Welfare Act (*R.S.*, 1953, Ch. 339).
 Mines Regulation Act (*R.S.*, 1953, Ch. 340).
 Annual Holidays Act (*R.S.*, 1953, Ch. 261).
 One Day's Rest in Seven Act (*R.S.*, 1953, Ch. 262).
 Workmen's Compensation (Accident Fund) Act (*R.S.*, 1953, Ch. 256).
 Employees' Wage Act, assented to 8 April 1961 (10 Eliz. II, Ch. 62).
 Various statutes and enactments respecting safety and health in specialised activities and industries.

CENTRAL AFRICAN REPUBLIC

Labour Code, Act No. 61-221 of 2 June 1961 (*Journal officiel de la République centrafricaine* (*J.O.R.C.*), August 1961, Part VII, Cap. II and VII).
 Act No. 60-168 of 12 December 1960 to suppress acts of resistance and disobedience towards the public authorities (*J.O.R.C.*, 15 December 1960, p. 668).
 Ordinance No. 61-205 of 8 December 1961 determining the higher grade appointments to be made by the Government, including that of labour inspector (*J.O.R.C.*, 15 December 1961, p. 486).
 Act No. 65-66 of 26 June 1965 governing compensation for and prevention of industrial accidents and occupational disease (*J.O.R.C.*, No. 14, 15 July 1965).
 Order of 27 November 1937 respecting health and safety in workplaces (*Journal officiel de l'Afrique équatoriale française* (*J.O.A.E.F.*), 1937, p. 1367).
 Order No. 3020 of 29 September 1953 respecting notification of the opening of undertakings (*J.O.A.E.F.*, 1 November 1953).
 Order No. 4 of 22 February 1962 governing the organisation and procedure of the Technical Advisory Committee under the Minister of Labour (*J.O.R.C.*, 15 March 1962).

CEYLON

Maternity Benefits Ordinance, No. 32 of 1939 (*Legislative Enactments of Ceylon* (*L.E.*), Revised Edition, 1956, Cap. 140), as amended by Acts Nos. 26 of 1952, 6 of 1958 and 24 of 1962, and Regulations made thereunder dated 22 November 1946 and 11 January 1957 (*Ceylon Labour Gazette*, Vol. VIII, No. 1, January 1957).
 Wages Boards Ordinance, No. 27 of 1941, as amended by Ordinances Nos. 40 of 1943 and 19 of 1945, Acts Nos. 5 of 1953, 27 of 1957 and 1962, and Regulations made thereunder (*L.E.*, Cap. 129).

Factories Ordinance, No. 45 of 1942, as amended by Ordinance No. 22 of 1946, Act No. 54 of 1961 and Regulations made thereunder (Part XI).

Labour Inspections (Maintenance of Secrecy) Act, No. 17 of 1953 (*Ceylon Government Gazette*, Part II, 1 April 1953).

Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1954 (*L.E.*, Cap. 136) (*L.S.* 1954—Cey. 1), as amended by Ordinance No. 60 of 1957 (*L.S.* 1957—Cey. 2) and Regulations made thereunder.

Employment of Women, Young Persons and Children Act, No. 47 of 1956 (*L.S.* 1956—Cey. 2), and Regulations made thereunder.

Motor Traffic (Amendment) Acts, Nos. 1 of 1956, 7 of 1957, 35 of 1962, 39 and 40 of 1964.

Motor Transport Act, No. 48 of 1957, as amended by Act No. 22 of 1961.

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 (Part VII, Chap. I) (*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).

CHILE

Legislative Decree No. 308 of 1 April 1960 to provide for the establishment of the Directorate of Labour (*Diario Oficial*, 6 April 1960).

Legislative Decree No. 338 of 5 April 1960 to prescribe the Civil Service Rules (*ibid.*, 6 April 1960).

Act No. 14972 of 24 October 1962 to alter the amounts of fines for offences under social legislation in force (*ibid.*, 21 November 1962).

Act No. 15358 of 21 November 1963 to prescribe the staffing of the Directorate of Labour, amend Legislative Decree No. 308, and impose taxes on wages and salaries for the purpose of financing employment services (*ibid.*, 25 November 1963).

Regulations No. 545 of 24 May 1932 respecting general living conditions.

CHINA

Factory Inspection Act of 10 February 1931 (*Laws and Regulations of China (L.R.C.)*, 1961, p. 27).
Factory Act of 30 December 1932 (*L.S.* 1932—China 2 A) and Regulations made thereunder (*L.S.* 1932—China 2 B).

Mines Act of 25 June 1936 (*L.R.C.*, 1961, p. 30).

Factory Registration and Application Act (Taiwan).

Small-Scale Industry Registration Act (Taiwan).

Commercial Registration Act (Taiwan).

Mining Registration Regulations (Taiwan).

Regulations of 6 March 1965 for the establishment of personnel in charge of factory health and safety.

COLOMBIA

Labour Code, Decree No. 2663 of 5 August 1950 (*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).

Decree No. 1732 of 18 July 1960 respecting the civil service and administrative careers.

Resolutions of the Ministry of Labour Nos. 917 (functions of labour inspectors) and 1008 (notification of industrial accidents) of 1961.

Decree No. 961 of 1962 respecting the functions of minimum wages supervisors.

Decree No. 1631 of 1963 to reorganise the Ministry of Labour (*D.O.*, 3 October 1963).

Decree No. 1371 of 1953 to promulgate a National Health Code.

Circular of June 1961 of the Head of the Technical Branch of the Ministry of Labour.

CONGO (BRAZZAVILLE)

Labour Code, Act No. 10-64 of 25 June 1964 (*Journal officiel de la République du Congo*, 9 July 1964, No. 14 (sections 151 to 161)).

Merchant Shipping Code, Act No. 30-63 of 4 July 1963 (*ibid.*, 6 July 1963).

Decree No. 65-61 of 24 February 1965 to prescribe rules for the organisation and functioning of the labour and social welfare services (*ibid.*, 1 March 1965, No. 5).

Order No. 972 of 16 March 1953 to establish a Federal Advisory Commission on Labour under the General Inspectorate of Labour and Social Legislation (*Journal officiel de l'Afrique équatoriale française*, 1 April 1953, p. 584).

Order No. 973 of 16 March 1953 to establish a Territorial Advisory Commission on Labour under the Inspectorate of Labour and Social Legislation (*ibid.*, p. 585).

Order No. 1741 bis/IGT of 27 May 1953 to prescribe the composition of the Federal Advisory Commission on Labour (*ibid.*, 1 June 1954, p. 884).

Order No. 1337/ITT of 23 June 1953 to prescribe the composition of the Middle Congo Territorial Advisory Commission on Labour (*ibid.*, 1 August 1953, p. 1166).

CONGO (LEOPOLDVILLE)

Decree of 16 March 1950 to establish a system of labour inspection in the Congo (*Bulletin administratif du Congo belge*, 15 April 1950) (*L.S.* 1950—Bel. C.1).

Ordinance No. 22-122 of 6 April 1954 to establish safety and health committees in undertakings (*ibid.*, 17 April 1954, No. 16) (*L.S.* 1954—Bel. C.1).

Decree of 13 April 1937 respecting the inspection of mines.

Decree of 21 March 1950 respecting the hygiene, safety and health of mineworkers (*Bulletin administratif du Congo belge*, 15 May 1950).

Ordinance No. 43-187 of 13 May 1955 prescribing safety measures for the operation of quarries (*ibid.*, 11 June 1955).

COSTA RICA

Labour Code, Act No. 2 of 27 August 1943 (*La Gaceta*) (*L.G.*) (*L.S.* 1943—C.R.1), as amended up to 1964: Decree No. 3458 of 20 November 1964 (*L.G.*, 26 November 1964, No. 270).

Basic Act No. 1860 of 21 April 1955 to organise the Ministry of Labour and Welfare.

Decree No. 42 of 16 August 1949: regulations for the Inspectorate General of Labour (*L.S.* 1949—C.R. 1).

Act No. 1581 of 30 May 1953 to prescribe the Civil Service Rules.

Decree No. 21 of 14 December 1954 in application of the Civil Service Rules.

Decree No. 4 of 16 April 1957 to issue regulations for the Labour Health and Safety Council.

CUBA

Act No. 1010 of 15 February 1962 placing the compulsory accident insurance and occupational disease insurance scheme under the authority of the State (*Gaceta Oficial (G.O.)*, special, 15 February 1962).

Act No. 1021 of 27 April 1962 to organise the Ministry of Labour (*G.O.*, 4 May 1962).

Act No. 1100 of 27 March 1963 respecting social security (*G.O.*, 4 April 1963).

Order of 8 September 1964 to give effect to the general rules respecting the organisation of occupational safety and health.

CYPRUS

Hours of Employment Law of 16 November 1927 (*Laws of Cyprus (L.C.)*, Cap. 182), as amended by Law No. 22 of 1953.

Employment of Women (During the Night) Law, No. 15 of 23 February 1932 (*L.C.*, Cap. 180) (*L.S.* 1932—Cyp. 2 A).

Employment of Women (in Mines) Law, No. 38 of 10 November 1936 (*L.C.*, Cap. 181) (*L.S.* 1936—Cyp. 1).

Shop Assistants Law, 1949 (*L.C.*, Cap. 185), as amended in 1952.

Minimum Wage Law, No. 17 of 19 November 1949 (*L.C.*, Cap. 183).

Mines and Quarries (Regulation) Law, No. 14 of 1953, as amended by the Mines and Quarries (Regulation) Law, No. 6 of 1956.

Accidents and Occupational Diseases (Notification) Law, No. 32 of 30 September 1953 (*L.S.* 1953—Cyp. 1 A), as amended by the Accidents and Occupational Diseases (Notification) Law, No. 23 of 1957 (*L.C.*, Cap. 176).
 Children and Young Persons (Employment) Law, No. 33 of 30 September 1953 (*L.C.*, Cap. 178) (*L.S.* 1953—Cyp. 2).
 Factories Law, No. 38 of 22 December 1956 (*L.C.*, Cap. 134).
 Motor Vehicles and Road Traffic Law (*L.C.*, Cap. 332).
 Criminal Code (*L.C.*), 1949 edition, Cap. 13) (section 130).
 Accidents and Occupational Diseases (Notification) (Dangerous Occurrences) Order, dated 24 October 1953 (Order in Council No. 2647) (*Cyprus Gazette*, 24 October 1953) (*L.S.* 1953—Cyp. 1 B).
 General Orders No. II/420.
 Motor Vehicles (Drivers' Hours of Work) Regulations, 1955 (*L.C.*, Cap. 332).
 Factories (First Aid) Order, dated 3 April 1957 (*L.C.*, Cap. 134).
 Factories (Manner of Preparing Boilers when Cold) Order, dated 9 September 1957 (*L.C.*, Cap. 134).
 Mines and Quarries Regulations, 1958 (*L.C.*, Cap. 270).
 Employers' Order, 1961.
 Mines and Quarries (Hours of Employment) Order, 1961.

CZECHOSLOVAKIA

Labour Code of 16 June 1965 (*Sbirka Zákonů (S.Z.)*, 30 June 1965, No. 32, text No. 65).
 Government Ordinance of 23 June 1965 to implement the Labour Code (*S.Z.*, text No. 66).
 Act No. 97 of 1950 respecting railways and State and administrative supervision of railway equipment and plant.
 Act No. 4 of 1952 respecting preventive hygiene and epidemiology and implementing Ordinances of the Ministry of Public Health:
 — Ordinance No. 87 of 1953 respecting hygiene and anti-epedemic measures connected with water pollution;
 — Ordinance No. 24 of 1954 respecting hygiene and anti-epidemic measures connected with air pollution;
 — Ordinance No. 25 of 1954 respecting hygiene and anti-epidemic measures connected with soil pollution;
 — Ordinance No. 42 of 1956 respecting protection against fire.
 Government Decree No. 53 of 1952 respecting, *inter alia*, state supervision of technical installations in industry and trade, entrusted to the Institute for Technical Supervision.
 Ordinance No. 262 of 1957 respecting professional technical supervision of labour safety in undertakings covered by Government Decree No. 53 of 1952.
 Ordinance No. 259 of 1957 respecting the mines administration responsible for technical supervision.
 Notification of the Central Council of Trade Unions respecting the duties of the authorities of the Revolutionary Trade Union Movement of the people's committees in exercising supervision over occupational safety and health (*S.Z.*, 15 August 1961, text No. 83).
 Notification of the Central Council of Trade Unions of 17 October 1961 respecting the registration of industrial accidents (*S.Z.*, 9 November 1961, text No. 118).
 Notification of the Ministry of Health of 26 March 1965 to implement the Act respecting compensation of State expenses for employment injuries, occupational diseases and other health hazards (text No. 34).

DAHOMÉY

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in territories and associated territories under the Ministry for Overseas France (Part VII, Cap. 1) (*L.S.* 1952—Fr. 5), as amended by the Decree of 20 May 1955 (*L.S.* 1955—Fr. 3).

DENMARK

Act No. 226 of 11 June 1954 respecting workers' protection generally (factories and workshops; safety and hygiene; hours of work; women and young persons; labour inspection) *Lovtidende A (Lov. A)*, 30 June 1954, No. XXIII) (*L.S.* 1954—Den. 1).

Act No. 227 of 11 June 1954 respecting workers' protection in commercial establishments and offices (safety and hygiene; hours of work; young persons; labour inspection) (*Lov. A*, 30 June 1954, No. XXIII) (*L.S.* 1954—Den. 2).

Regulation No. 203 of 12 June 1958 on safety services, as amended on 8 June 1959.

Regulation No. 318 of 2 November 1964, making certain occupational diseases notifiable (*Lov. A*, 1964, No. 23) (*L.S.* 1964—Den. 1).

DOMINICAN REPUBLIC

Act No. 2920 of 11 June 1951 to promulgate the Labour Code (Book VII, Part I) (*Gaceta Oficial (G.O.)*, 23 July 1951) (*L.S.* 1951—Dom. 1).

Regulation No. 7676 of 6 October 1951 to apply the Labour Code (Book VII, Part I) (*G.O.*, 15 October 1951).

Act No. 385 of 11 November 1932 amending Act No. 352 of 17 June 1932 respecting workmen's compensation (*G.O.*, 19 November 1932) (*L.S.* 1932—Dom. 1).

ECUADOR

Decree No. 210 of 5 August 1938 to promulgate the Labour Code (*Registro Oficial (R.O.)*, 14-15 November 1938, as amended by the Decree of 4 November 1954 (*R.O.*, 5 February 1955) (*L.S.* 1954—Ec. 1 A and B) and by Decree No. 979 of 5 May 1965 (*R.O.*, 10 May 1965).

ETHIOPIA

Labour Regulations Decree, No. 49 of 1962 (*Negarit Gazeta (N.G.)*, 5 September 1962) (*L.S.* 1962—Eth. 1 A), as amended.

Labour Inspection Service Order, No. 37 of 1964 (*N.G.*, 4 December 1964).

FINLAND

Labour Inspection Act No. 72 of 4 March 1927 (*L.S.* 1927—Fin. 1 A) and Resolution of the Council of State concerning the administration of the Act (*L.S.* 1927—Fin. 1 B), as amended by the Resolutions of 11 November 1937 and 29 September 1945 (*Suomen Asetuskokoelma—Finlands Författningssamling (S.A.—F.F.)*, No. 337/37 and 918/45).

Resolutions of the Council of State concerning inspection districts, of 21 December 1944 and 24 April 1958 (*S.A.—F.F.*, 194/58).

Decree No. 81 of 28 January 1944 respecting the permanent exhibition of industrial safety and social welfare.

Workmen's Compensation (Accident Insurance) Act No. 608 of 20 August 1948 (*S.A.—F.F.*, 1948, p. 959) (*L.S.* 1948—Fin. 4 A).

Works Councils Act No. 843 of 30 December 1949 (*S.A.—F.F.*, 31 December 1949) (*L.S.* 1949—Fin. 2) and Resolution No. 844 of the Council of State thereunder, of the same date.

Boilers and Pressure Vessels Order, No. 391 of 2 October 1953 (*S.A.—F.F.*, 391/53).

Protection of Labour Act, No. 299 of 28 June 1958 (*S.A.—F.F.*, 1958, p. 631) (*L.S.* 1958—Fin. 1) and Decree No. 45 of 30 January 1959 thereunder (*S.A.—F.F.*, 1959, p. 166).

Mining Act, No. 273 of 24 March 1943, as amended in 1965 and Regulations thereunder.

Act No. 101 of 4 February 1944 respecting the supervision of mining operations in certain deposits and Regulations thereunder.

Resolution No. 556 of 31 December 1959 of the Ministry of Commerce and Industry concerning safety regulations in mines.

Various Decrees concerning the protection of workers in particular sectors or undertakings.

FRANCE

Labour Code, Book II, sections 93-110 (*Dalloz*, Ed. 1965).

Act No. 4616 of 31 October 1941 respecting the medical protection of labour (Labour Code, p. 166) (*L.S.* 1941—Fr. 15 B).

Decree No. 46-1003 of 27 April 1946 to issue public administrative regulations for the reorganisation of local labour and manpower services (Labour Code, pp. 157-159) (*L.S.* 1946—Fr. 9).

General Civil Service Rules Ordinance of 4 February 1959 (*Journal officiel de la République française* (J.O.), No. 33, 8 February 1959).

Circular 23/46 of 27 November 1946 respecting the powers and duties of the general labour and manpower inspectorate.

Decree of 16 January 1947 to organise the medical inspectorate of labour and manpower (J.O., 23 January 1947).

Circulars Nos. 16 and 88 S.S. of 5 March 1948 respecting co-operation between labour inspectors and social security supervisors.

Circulars of 2 April 1948 and 3 December 1949 respecting the relationship between the labour inspectorate and the medical inspection services.

Decree No. 50-1304 of 20 October 1950 to establish conditions of service for the labour inspectorate (J.O., 21 October 1950, p. 10873).

Decree No. 57-1095 of 30 September 1957 respecting the recruitment of labour inspectors (J.O., 6 October 1957, p. 9569).

Orders of 23 September 1958 and 26 January 1959 respecting training methods and training periods.

Decree No. 60-1183 of 7 November 1960 modifying conditions of recruitment (J.O., 11 November 1960, p. 10139).

Decree No. 62-1120 of 22 September 1962 to determine ranks in the labour inspectorate (J.O., 28 September 1962).

Mines Code, Decree No. 56-838 of 16 August 1956 (J.O., 21 August 1956).

Decree of 17 May 1957 establishing special rules for the labour and manpower inspectorate for the transport industry.

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., No. 298, 15-16 December 1952; L.S. 1952—Fr. 5), as amended by Decree No. 55-567 of 20 May 1955 (J.O., No. 121, 21 May 1955; L.S. 1955—Fr. 3).

Decree No. 55-1679 of 29 December 1959 to establish conditions of service for the inspectors of labour and social legislation (*Journal officiel A.O.F.*, 21 January 1956).

GABON

Labour Code, Act No. 88/61 of 4 January 1962 (Part VII, Cap. I; Part VIII, Cap. I, II, III and IV). (*Journal officiel* (J.O.), 1 March 1962, No. 5, Extraordinary (L.S. 1962—Gab. 1).

Order No. 1625/PR of 8 November 1961 establishing the powers and duties of the Ministry of Labour.

Act No. 24-63 of 31 May 1963 to make general rules for the public services (J.O., 1 July 1963), as amended by Act No. 9 of 5 June 1964 (J.O., 27 September 1964).

Decree No. 280/PR of 7 September 1964 governing the organisation and operation of the Labour, Manpower and Social Security Board.

Order No. 3758, 25 November 1954 on general measures on health and security applicable to agricultural, industrial undertakings.

FEDERAL REPUBLIC OF GERMANY

Prussian Act of 16 May 1853 respecting labour inspection in industrial undertakings.

Industrial Code of 1869 (section 139 (b)).

Prussian General Act of 24 June 1865 respecting mines.

Hours of Work Regulations of 30 April 1938 (*Reichsgesetzblatt*, Part I, p. 447) (L.S. 1938—Ger. 6).

Protection of Young Persons Act of 30 April 1938 (*ibid.*, Part I, p. 437) (L.S., 1938—Ger. 5).

Act of 25 March 1939 respecting unhealthy and inflammable substances (*ibid.*, Part I, p. 581).

Maternity Protection Act of 24 January 1952 (*Bundesgesetzblatt* (BGBl.), Part I, p. 69) (L.S. 1952—Ger. (F.R.) 2).

Works Constitution Act of 11 October 1952 (*ibid.*, Part I, p. 681) (L.S. 1952—Ger. (F.R.) 6).

Federal Insurance Code as amended by the Act of 30 April 1963 (section 719) to reorganise the law governing the statutory accident insurance scheme (BGBl., Part I, 9 May 1963, No. 23, p. 241) (L.S. 1963—Ger. (F.R.) 2).

Decree of 4 August 1960 respecting plant requiring authorisation.

GHANA

Labour Ordinance, No. 16 of 1948 (*Laws of Ghana (L.G.)*, Cap. 89), as amended by Ordinance No. 43 of 1949.

Industrial Accidents (Compensation) Ordinance (*L.G.*, Cap. 94), as amended by Ordinance No. 43 of 1954.

Factories Ordinance No. 133 of 10 July 1952.

Public Service Act, 1960.

GREECE

Decree of 14 March 1934 respecting hygienic conditions and the safety of wage earners and salaried employees in factories and workplaces, etc., of all kinds in industry and handicrafts (*Ephemeris tes Kyberneseos*) (*E.K.*), 22 March 1934, No. 693).

Decree of 17 September 1934 to consolidate the provisions of Acts Nos. 4819 of 14 July 1930, 5598 of 27 August 1932 and 6145 of 14 June 1934 respecting the organisation of the labour inspectorate of the Ministry of National Economy (*E.K.*, 29 September 1934, No. 328) (*L.S.* 1934—Gr. 1).

Royal Decree No. 2954 of 10 August 1954 to create a labour inspectorate in the Ministry of Labour and containing certain other provisions (*E.K.*, 14 August 1954, No. 182).

Royal Decree of 17 February 1956 concerning the safety of workmen and technicians in the building industry (*E.K.*, 19 April 1956, No. 106).

Royal Decree No. 868 of 30 December 1960 to organise the Ministry of Labour (*E.K.*, 30 December 1960, No. 216) (*L.S.* 1960—Gr. 1).

Mines Code, 1919.

Act No. 3752 of 1 January 1929 (conditions for employment and supervision of persons employed in undertakings under the authority of the Ministry of Communications) (*E.K.*, 12 January 1929).

GUATEMALA

Decree No. 295 of 30 October 1946 to establish the Guatemalan Social Security Institution (*L.S.* 1946—Guat. 2).

Decision of 20 December 1957 to establish regulations for the general labour inspectorate (*El Guatemalteco*) (*E.G.*), 30 December 1957).

Decision of 28 December 1957 to establish general occupational health and safety regulations (*E.G.*, 31 December 1957) (*L.S.* 1957—Guat. 2).

Decree No. 1441 of 5 May 1961 to promulgate the consolidated text of the Labour Code in its amended form (*E.G.*, 16 June 1961), (*L.S.* 1961—Guat. 1).

Legislative Decree No. 1 of 1963 laying down fundamental principles with regard to labour (*Carta guatemalteca del Trabajo*) (*E.G.*, 5 April 1963).

Legislative Decree No. 8 of 10 April 1963 laying down the Government Charter.

Regulations concerning protection against accidents in general. Order No. 97 of the Junta Directiva del Instituto Guatemalteco de Seguridad Social.

GUINEA

Act No. 1/AN/60 of 30 June 1960 to set up a Labour Code in the territory of the Republic of Guinea (*L.S.* 1960—Gui. 1).

Act No. 21/AN/CAB/60 of 12 December 1960 to establish a Social Security Code.

Decree No. 196 PRG of 24 July 1965 containing the provisions of Decree No. 146 P.G. of 3 June 1960 respecting the organisation and operation of the labour and social legislation inspection services (*Journal officiel*, 15 August 1965, No. 17).

HAITI

Act of 6 October 1961 to promulgate the Labour Code (Part VI, Cap. I and II) (*Le Moniteur (L.M.)*, Extraordinary, 19 October 1961, Nos. 1-A, 1-B, 1-C, 1-D) (*L.S.* 1961—Haiti 1).

Act of 9 October 1946 to set up within the Labour Department a technical and administrative body entitled the Labour Office (*L.M.* No. 96, 14 October 1946) (*L.S.* 1946—Haiti 1).

Act of 3 November 1950 to organise the Labour Department.

HUNGARY

Labour Code, Legislative Decree No. 7 of 1951 (*Magyar Közlöny (M.K.)*, No. 17-18, 31 January 1951) (*L.S.* 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*M.K.*, No. 62, 28 November 1953) (*L.S.* 1953—Hun. 1).

Decree No. 53 of 28 November 1953 to implement the Labour Code.

Council of Ministers Ordinance No. 41/1955 of 21 July 1955 respecting the jurisdiction, rights and duties of the National Mines Inspectorate (*M.K.*, 21 July 1955, No. 78, p. 473).

Ordinance No. 29 of 7 June 1960 to make boilers and certain installations operating under pressure subject to inspection (*M.K.*, 7 June 1960).

Mines Act, No. III of 18 December 1960 (*M.K.*, 18 December 1960), and Ordinance No. 9 of 30 March 1961 to implement the Act.

Ordinance No. 1 of 5 January 1962 respecting the qualifications required of boiler supervisors and experts in charge of testing installations operating under pressure, as well as the occupational skills and ability required in connection with such installations.

Ordinance No. 2 of 10 March 1962 of the Central Council of Trade Unions respecting the notification and registration of industrial accidents, as amended by Regulations No. 7 of 24 December 1964.

Regulations No. 2 of 26 December 1963 of the Central Council of Trade Unions respecting workers' safety and health protection.

INDIA

Payment of Wages Act, No. 4 of 23 April 1936 (*L.S.* 1936—Ind. 1).

Employment of Children Act, No. 26 of 1 December 1938 (*L.S.* 1938—Ind. 5), as amended by Acts No. 15 of 8 April 1939 and No. 48 of 1 September 1951 (*Gazette of India (G.I.)*, Extraordinary, 15 April 1939 and 15 September 1951) (*L.S.* 1951—Ind. 6 A and B).

Minimum Wages Act of 15 March 1948, No. 11 (*ibid.*, 15 March 1948; *L.S.* 1948—Ind. 2), as amended by Act No. 26 of 20 May 1954 and Act No. 30 of 17 September 1957 (*L.S.* 1957—Ind. 1 A and B) and by Act No. 31 of 28 August 1961 (*G.I.*, 29 August 1961).

Factories Act of 23 September 1948 (*G.I.*, 23 September 1948, Extraordinary, Part IV) (*L.S.* 1948—Ind. 4), as amended by Act No. 25 of 7 May 1954 (*G.I.*, 8 May 1954) (*L.S.* 1954—Ind. 1), and Rules made thereunder.

Apprentices Act, No. 52 of 12 December 1961 (*G.I.*, 13 December 1961) (*L.S.* 1961—Ind. 1).

Railways Act, 1890, as amended.

Mines Act, No. 13 of 15 March 1952 (*G.I.*, 17 March 1952) (*L.S.* 1952—Ind. 3), as amended by Act No. 62 of 27 December 1959 (*G.I.*, 28 December 1959) (*L.S.* 1959—Ind. 2), and Mines Rules.

Workers in the Motorised Transport Industry Act, No. 27 of 21 May 1961 (*G.I.*, 21 May 1961).

IRAQ

Labour Law, No. 1 of 18 January 1958 (*Al-Waqayi'û al' Iraqiya (A.W.I.)*, 16 March 1958) (Cap. X (*L.S.* 1961—Iraq 1 B).

Regulation No. 11 of 20 September 1958 concerning labour inspection in industry and commerce (*A.W.I.*, 22 September 1958).

IRAN

Labour Act of 17 March 1959 (sections 52, 53 and 60) (*L.S.* 1959—Iran 1).

Regulations of 6 September 1959, respecting labour protection and hygiene.

Regulations of 1960 governing inspection procedure and the powers and duties of labour inspectors (issued under section 52 of the Labour Act).

Regulations of 2 February 1961 respecting works safety councils (under section 47 of the Labour Act).

IRELAND

Conditions of Employment Act, No. 2 of 14 February 1936 (*L.S.* 1936—I.F.S. 1) as amended by Act No. 12 of 26 April 1944 (*L.S.* 1944—Ire. 2).

Shops (Conditions of Employment) Act, No. 4 of 25 February 1938 (*L.S.* 1938—Ire. 1), as amended by Act No. 2 of 24 February 1942.
 Industrial Relations Act, No. 26 of 27 August 1946 (*L.S.* 1946—Ire. 1), as amended by Act No. 19 of 21 July 1955.
 Factories Act, No. 10 of 9 June 1955.
 Office Premises Act, No. 3 of 19 February 1958 (*L.S.* 1958—Ire. 1).
 Apprenticeship Act, No. 39 of 15 December 1959 (*L.S.* 1959—Ire. 1).
 Holidays (Employees) Act, No. 33 of 9 August 1961 (*L.S.* 1961—Ire. 1).
 Mines and Quarries Act, 1965.
 Railway Employment (Prevention of Accidents) Act, 1900.
 Railway Act, 1924, as amended in 1933.
 Road Traffic Act, 1961.
 Dangerous Machinery Regulations of 4 July 1956.

ISRAEL

Accidents and Occupational Diseases (Notification) Ordinance, 1945.
 Safety at Work Ordinance, 1946 (*Official Gazette*, No. 1, 1946), as amended in 1963.
 Labour Inspection Law, 1954 (*Statutes Book*, No. 164, 3 September 1954).

ITALY

Act No. 1361 of 22 December 1912 establishing the labour inspectorate (*Gazzetta Ufficiale (G.U.)*, 3 January 1913, No. 2), and Decree No. 431 of 27 April 1913 to implement the Act.
 Legislative Decree No. 3245 of 30 December 1923 respecting the reorganisation of the inspectorate of industry and labour (*G.U.*, 14 March 1924) (*L.S.* 1923—It. 13).
 Legislative Decree No. 1684 of 28 December 1931 respecting the organisation of a corporate inspectorate (*G.U.*, 23 January 1932, No. 18) (*L.S.* 1931—It. 3), as amended by Act No. 866 of 16 June 1932 (*G.U.*, 5 August 1932, No. 180) (*L.S.* 1932—It. 5).
 Legislative Decree No. 381 of 15 April 1948 respecting the reorganisation of the Ministry of Labour and Social Welfare headquarters and field services (*G.U.*, 7 May 1948, No. 106, and 16 June 1953, No. 135 (*L.S.* 1948—It. 3).
 Act No. 2390 of 19 December 1952 respecting the organisation of the National Office for the Prevention of Accidents and Decree No. 1512 of 18 December 1954 to implement the Act.
 Presidential Decree No. 520 of 19 March 1955 respecting the reorganisation of the Ministry of Labour and Social Welfare headquarters and field services (*G.U.*, 1 July 1955).
 Presidential Decree No. 547 of 27 April 1955 respecting the prevention of accidents (*G.U.*, 12 July 1955).
 Presidential Decree No. 303 of 19 March 1956 respecting health requirements.
 Presidential Decree No. 1563 of 29 November 1956 respecting the personnel establishment of the labour inspection service (*G.U.*, 30 January 1957, No. 26).
 Act No. 628 of 22 July 1961 respecting modifications in the organisation of the Ministry of Labour and Social Welfare (*G.U.*, 27 July 1961).
 Presidential Decree No. 128 of 9 April 1959 establishing regulations for the supervision of mines and quarries (*G.U.*, 11 April 1959, No. 87, Supplement).
 Circular No. 85 of 22 January 1952 of the Ministry of Labour and Social Welfare respecting the setting up of regional committees for the prevention of industrial accidents and occupational disease.
 Circular No. 34158 of 20 April 1964 respecting the setting up of provincial committees for the prevention of industrial accidents and occupational disease.

IVORY COAST

Labour Code, Act No. 64-290 of 1 August 1964, Part VII, Cap. 1 (*Journal officiel de la République de Côte-d'Ivoire (J.O.R.C.I.)*, 17 August 1964, No. 44, Extraordinary).
 Decree No. 57-245 of 24 February 1957, as amended, respecting employment injuries prevention and compensation (*Journal officiel de l'Afrique occidentale française (J.O.A.O.F.)*, 1957, pp. 1539 and 1541).
 Decree No. 49-217 of 28 October 1959 to organise the labour services (*ibid.*, 7 November 1959, p. 1063).

- Decree No. 60-237 of 29 July 1960 establishing rules for the staff of the labour services (*ibid.*, 1960, p. 900).
- Decree No. 65-128 of 2 April 1965 establishing the terms of reference, composition and procedure of the Technical Advisory Committee on Occupational Safety and Health (*J.O.R.C.I.*, 1965, p. 424).
- Decree No. 65-211 of 17 June 1965 to determine the powers and duties of medical labour inspectors (*J.O.C.I.* No. 33, 1 July 1965).
- General Order No. 1604 IGTLA-AOF of 4 March 1954 respecting notification of undertakings (*J.O.A.O.F.*, 1954, p. 446).
- Ministerial Circular No. 295 TAS CAB of 2 February 1960 relating to inspection visits.
- Various orders of the Ministry of Labour for the assignment of inspectors of labour and social legislation and the demarcation of their areas of jurisdiction.

JAMAICA

- Law No. 31 of 1938 respecting minimum wages (*Revised Laws of Jamaica (R.L.)*, 1953, Cap. 252), as amended by Law No. 58 of 1954 and Law No. 9 of 1956.
- Factories Law of 1940, No. 43 (*R.L.* 1953, Cap. 124), as amended by Law No. 68 of 1956 and Law No. 71 of 1958.
- Factories Regulations, 1961.
- Law No. 8 of 1943 respecting the powers of labour inspectors (*R.L.*, 1953, Cap. 124), as amended by Law No. 26 of 1958.
- Mines Law of 1947, No. 41 (*R.L.* 1953, Cap. 253).
- Mines Regulations, 1947, as amended in 1961.
- Quarries Law of 1955, No. 41 (*R.L.* 1955), as amended by Law No. 11 of 1958.
- Quarries Regulations, 1958.
- Shops and Offices Law for 1957, No. 27 (*L.S.* 1957—Jan. 1).
- Shops Regulations, 1961.

JAPAN

- Labour Standards Act, Law No. 49 of 5 April 1947 (*Official Gazette (O.G.)*, 7 April 1947) (*L.S.* 1947—Jap. 3), and Ordinances issued thereunder:
- Ministry of Welfare Ordinance No. 23 of 30 August 1947;
- Ministry of Labour Ordinance No. 9 of 1947 respecting industrial safety and hygiene.
- Law No. 120 of 1947 as amended by Law No. 69, 18 May 1965 respecting national public service.
- Order No. 174 of 1947 to organise the labour standards inspectorate.
- Mine Safety Law, No. 70 of 16 May 1949 (*O.G.*, 16 May 1949, No. 42), as amended by Laws No. 175 of 12 December 1958 and No. 172 of 16 July 1964 and Ordinances thereunder:
- Ministry of Trade and Industry Ordinance, No. 33 of 1949, to issue safety regulations for metalliferous and other mines, as amended by Ordinances No. 5 of 2 February 1959 and No. 122 of 16 November 1964;
- Ministry of Trade and Industry Ordinance, No. 34 of 1949, to issue safety regulations for coal mines, as amended by Ordinances No. 6 of 1959 and No. 123 of 16 November 1964;
- Ministry of Trade and Industry Ordinance, No. 35 of 1949, to issue safety regulations for petroleum mines, as amended by Ordinances No. 62 of 29 June 1959 and No. 124 of 16 November 1964.
- Ministry of Labour Establishment Law, No. 162 of 31 May 1949 (*O.G.*, 31 May 1949, No. 61).
- Ministry of Trade and Industry Establishment Law, No. 275 of 1952.
- Organisations for Prevention of Industrial Accidents Law, No. 118 of 1964, and the Ordinance issued thereunder: Ministry of Labour Ordinance No. 19 of 1964.

JORDAN

- Labour Code, Act No. 21 of 14 May 1960 (*Al-jarida al-rasmiya (Al-j.)*, 21 May 1960, No. 1491 (*L.S.* 1960—Jor. 1), as amended by Act No. 2 of 2 January 1965 (*Al-j.*, 18 January 1965, No. 1818)).

Regulations No. 1 of January 1963 respecting labour inspectors (*Al-j.*, January 1963. No. 1663).
 Regulations No. 2 of January 1963 respecting the notification of employment injuries (*Al-j.*, loc. cit.).
 Regulations No. 3 of January 1963 amending Regulations No. 29 of 1962 respecting the procedure to be followed in labour disputes (*Al-j.*, loc. cit).
 Regulations No. 63 of 1964 respecting mines (*Al-j.*, November 1964, No. 1803) (section 12)).

KENYA

Factories Ordinance No. 38 of 14 September 1950 and subsequent regulations issued thereunder (*Laws of Kenya (L.K.)*, Cap. 514).
 Wages and Conditions of Employment Ordinance, No. 1 of 1951.
 Workmen's Compensation Ordinance, 1956, and Regulations thereunder.
 Employment Ordinance.
 Women, Young Persons and Children Ordinance.
 Mining Act (*L.K.*, Cap. 306).
 Employment of Persons, 1949 (Health) (Government Notice No. 1145, 1949).
 Safety in Mines Rules.

KUWAIT

Labour Law (Private Sector), No. 38 of 1964 (section 95).
 Ministerial Decision No. 3 of 1965 on the inspection of establishments by labour officials.

LEBANON

Labour Code, Act of 23 September 1946 (*L.S.* 1946—Leb. 1).

LIBYA

Royal Decree to promulgate the Labour Act, of 22 November 1962 (*Al-jarida al-Rasmiya*, 24 November 1962, No. 17) (*L.S.* 1962—Libya 1).
 Labour Inspection Regulation, No. 5 of 1961.

LUXEMBOURG

Act of 14 July 1932 to amend and supplement the Act of 8 May 1872 respecting the rights and duties of state officials.
 Grand Ducal Order of 26 March 1945 respecting the reorganisation of the Labour Inspectorate and the Mines Department (*Mémorial du Grand-Duché de Luxembourg (Mémorial)* 1945, p. 130).
 Grand Ducal Order of 22 February 1951 to determine the conditions for the recruitment and appointment of technical and social staff of the Labour and Mining Inspectorate (1951, p. 358), as supplemented by the Grand Ducal Regulations of 31 January 1962 (*Mémorial*, 1962, p. 133).

MALAGASY REPUBLIC

Act No. 60-003 of 15 February 1960 to establish general civil service rules (*Journal officiel de la République malgache (J.O.)*, 20 February 1960), amended and supplemented by Ordinance No. 62-046 of 20 September 1962 (*J.O.*, 22 September 1962).
 Labour Code, Ordinance No. 60-119 of 1 October 1960, Part VII, Cap. I (*J.O.*, 8 October 1960, No. 125) (*L.S.* 1960—Mad. 1).
 Decree No. 59-175 of 30 December 1959 respecting the organisation of the labour and social legislation services (*J.O.*, 9 January 1960).
 Decree No. 61-226 of 19 May 1961 respecting the appointment of labour inspectors and the regulations applying to them (*J.O.*, 3 June 1961, No. 170).
 Decree No. 61-227 of 19 May 1961 respecting the appointment of labour supervisors and the regulations applying to them (*J.O.*, 3 June 1961, No. 170).
 Decree No. 64-163 of 22 April 1964 introducing an official identity card for labour inspectors and labour supervisors (*J.O.*, 2 May 1964, No. 352).

MALAWI

- Workmen's Compensation Ordinance, No. 2 of 28 March 1944 (*Laws of Nyasaland (L.N.)*, Cap. 89), as amended by Ordinances No. 15 of 1946, No. 6 of 1949 and No. 7 of 26 April 1956, and regulations thereunder.
- Trade Disputes (Arbitration and Settlement) Ordinance, of 4 December 1952 (*L.N.*, Cap. 88), as amended by Ordinance No. 28 of 9 July 1954 (*Government Gazette (G.G.)*, 12 July 1954).
- Minimum Wage and Conditions of Employment Ordinance, No. 4 of 19 February 1958 (*L.N.* Cap. 83), as amended by Ordinances No. 9 of 13 July 1960, No. 21 of 1 November 1962, No. 18 of 7 August 1963 and No. 19 of 8 March 1965 (*G.G.*, 16 March 1965).
- Trade Union Ordinance No. 32 of 10 December 1958 (*L.N.*, Cap. 87), as amended by Ordinance No. 3 of 17 May 1963 (*G.G.*, 23 May 1963) and regulations thereunder.
- Ordinance No. 7 of 18 March 1961 to provide for the apprenticeship of workmen and for matters connected therewith (*G.G.*, 30 March 1961) (*L.S.* 1961—Ny. 1), and regulations thereunder of 19 December 1964 (Cap. 193).
- Employment Ordinance No. 14 of 17 March 1964 (*G.G.*, 20 March 1964) (*L.S.* 1964—Ny. 1).
- Labour Legislation (Miscellaneous Provisions) Ordinance, No. 15 of 17 March 1964 (*G.G.*, 20 March 1964) (*L.S.* 1964—Ny. 2).
- Factories Ordinance, No. 21 of 17 March 1964 (*G.G.* 20 March 1964).
- Wages Order 1964, Government Notice No. 189 of 1964.
- Mining Ordinance (*L.N.*, Cap. 114).
- Quarries Regulations, 1965, Government Notice No. 184.
- Employment of Women, Young Persons and Children Ordinance (*L.N.*, Cap. 84).
- Ordinance respecting African emigration and immigrant workers (*L.N.*, Cap. 79).
- Road Transport Industry (Minimum Wages and Conditions of Employment) Order of 1961, Government Notice No. 30 of 1961, as amended by Government Notice No. 190 of 1964.

MALAYSIA

States of Malaya

- Labour Code, 1933, as amended.
- Children and Young Persons Ordinance, No. 33 of 1947 (*Government Gazette (G.G.)*, 31 July 1947, Third Supplement).
- Wages Councils Ordinance, No. 41 of 1947 (*G.G.*, 22 September 1947, No. 20), as amended by Ordinance No. 49 of 20 December 1956.
- Official Secrets Ordinance, No. 15 of 1950
- Weekly Holidays Ordinance, No. 47 of 9 August 1950 (*G.G.*, 15 August 1950) (*L.S.* 1950—Mal. 1).
- Employees Provident Fund Ordinance, No. 21 of 26 May 1951 (*G.G.*, 31 May 1951) (*L.S.* 1951—Mal. 1), as amended by Ordinance No. 6 of 14 March 1952 and Rules made thereunder.
- Workmen's Compensation Ordinance, No. 85 of 30 December 1952 (*L.S.* 1952—Mal. 1), as amended by Ordinance No. 31 of 15 October 1956.
- Machinery Ordinance, No. 18 of 30 April 1953 (*G.G.*, 30 April 1953, No. 11).
- Employment Information Ordinance, No. 33 of 23 June 1953 (*G.G.*, 25 June 1953, No. 18).
- Employment Ordinance, No. 38 of 27 June 1955 (*L.S.* 1955—Mal. 2), as amended by Ordinance No. 43 of 11 December 1956 (*L.S.* 1956—Mal. 1).
- Machinery (Safety, Health and Welfare) Regulations, 1956.

Sabah

- Machinery Ordinance, No. 4 of 1920.
- Labour Ordinance, 1936.
- Labour Ordinance, No. 18 of 1949.

Sarawak

- Workmen's Compensation Ordinance, No. 4 (*Laws of Sarawak*, Cap. 80).
- Labour Ordinance, No. 24 of 11 December 1951 (*Laws of Sarawak*, Cap. 76) (*L.S.*, 1951—Sar. 1).

MALI

Labour Code, Act No. 62-67 of 19 August 1962 (Part VII, Cap. II) (*Journal officiel de la République du Mali* (J.O.), 15 October 1962) (L.S. 1962—Mali 1).

Act No. 61-57 of 15 May 1961 to establish general civil service rules (J.O., 30 May 1961).

Social Welfare Code, Act No. 62-68 of 9 August 1962 (J.O., 15 October 1962).

Order No. 5253 of 19 July 1954 to prescribe general health and safety measures for establishments of all kinds.

MALTA

Factories Ordinance, No. 10 of 1940.

Employment of Children Ordinance, No. 6 of 1944.

Factories (Health, Safety and Welfare) Regulations of 1945.

Factories (First Aid) Regulations of 1949.

Order No. 1 of 1950 (concerning inspectors) issued under the Hours of Employment and Shops Ordinance.

Act No. 11 of 22 March 1952: Conditions of Employment (Regulation) Act (wages councils, registers of employees, protection of wages, contracts of employment) (L.S. 1952—Malta 1).

Act No. 6 of 28 April 1956 to set up a national social insurance scheme.

Factories (Power of Inspectors) Regulations, 1960—Legal Notice No. 42 of 14 October 1960.

Building Industry (Safety) Rules.

MAURITANIA

Act No. 61-130 of 30 June 1961 to establish general civil service rules (*Journal officiel de la République islamique de Mauritanie* (J.O.), 16 August 1961).

Act No. 63-023 of 29 January 1963 to establish a Labour Code, Book V, Part III, Cap. II (J.O., 20 February 1963, No. 106, L.S. 1963—Mau. 1).

Decree No. 65-096 of 4 June 1965 to set up the medical inspectorate of labour (J.O., No. 163, 7 July 1965).

Decree No. 65-097 of 4 June 1965 respecting the notification of industrial accidents and cases of occupational disease (J.O.).

General Orders No. 2442 of 10 June 1946 and No. 1332 of 22 June 1954 respecting the operation of the labour inspectorate.

Order No. 10354 of 6 July 1964 to appoint the representatives of the employers' and workers' organisations on the Technical Committee on Health and Safety (J.O., 5 August 1964, No. 141).

MEXICO

Federal Labour Act of 18 August 1931 (*Diario Oficial* (D.O.), 28 August 1931, Vol. LXVII, No. 51) (sections 402-406) (L.S. 1931—Mex. 1).

Federal Act respecting state employees (D.O., 28 December 1963).

Regulations for the Federal Labour Inspectorate, 1934.

Internal Regulations for the Labour and Social Security Secretariat.

MOROCCO

Dahir of 2 July 1947 governing employment (L.S. 1947—Mor. 1), as amended and supplemented by the Dahirs of 21 September 1949 (*Bulletin officiel du Maroc* (B.O.M.), 28 October 1949), 5 August 1950 (L.S. 1950—Mor. 2), 10 August 1952 (B.O.M., 31 October 1952), 27 April 1953 (B.O.M., 24 July 1953), 29 October 1958 (B.O.M., 19 December 1958), 16 January 1962 (B.O.M., 2 February 1962) and 30 June 1962.

Dahir of 25 August 1914 to issue regulations for establishments in which unhealthy, arduous or dangerous work is carried on (B.O.M., 7 September 1914), as amended by the Dahirs of 13 October 1933 (B.O.M., 1 December 1933), 11 August 1937 (B.O.M., 1 October 1937), 9 June 1938 (B.O.M., 8 July 1938), 9 November 1942 (B.O.M., 25 December 1942), and 18 January 1950 (B.O.M., 27 April 1950).

- Dahir of 25 June 1927 respecting workmen's compensation (*L.S.* 1927—Mor. 3), as amended in particular by the Dahir of 6 February 1963 (*B.O.M.*, 15 March 1963).
- Conciliation and Arbitration Orders of 19 January 1946 (*B.O.M.*, 12 April 1946) as amended (*L.S.* 1946—Mor. 2 A and B, 1948—Mor. 2 A and B, 1950—Mor. 3).
- Dahir of 31 December 1947 to set up a Directorate of Labour and Welfare (*B.O.M.*, 20 February 1948).
- Vizirial Order of 14 July 1948 to issue staff rules for the Labour Inspectorate (*B.O.M.*, 30 July 1948), as amended by Vizirial Orders of 20 August 1953 (*B.O.M.*, 4 September 1953) and 2 September 1958 (*B.O.M.*, 19 September 1958).
- Order of 15 July 1948 of the Director-General of Labour and Social Affairs to prescribe the conditions for the recruitment of male and female labour inspectors and assistant inspectors (*B.O.M.*, 30 July 1948), as amended.
- Order of the Labour and Welfare Directorate of 14 December 1948 prescribing the powers and duties of female labour inspectors (*B.O.M.*, 31 December 1948).
- Vizirial Order of 18 July 1949 determining lump-sum compensation for the travelling expenses of the inspection staff (*B.O.M.*, 22 July 1949), as amended.
- Vizirial Order of 4 November 1952 establishing general protection and health measures applicable to all establishments where commercial or industrial occupations or liberal professions are carried on (*B.O.M.*, 16 January 1953), and Orders thereunder.
- Vizirial Order of 9 September 1953 relating to the enforcement of labour legislation in state or municipally owned undertakings (*B.O.M.*, 16 October 1953).
- Ministry of Labour and Welfare Order of 13 May 1959 establishing conditions for recruitment of labour inspectors and social legislation supervisors in agriculture (*B.O.M.*, 31 July 1959).
- Order of 29 October 1962 concerning workers' representation in undertakings (*B.O.M.*, 16 November 1962) (*L.S.* 1962—Mor. 1).
- Dahir of 18 June 1936 and Decree of 10 July 1962 to regulate civil aviation.
- Dahir of 16 April 1951 to issue mining regulations (section 97).
- Order of 21 January 1953 to organise work on board vessels engaged in maritime navigation (*B.O.M.*, 2 October 1953).
- Dahir of 13 May 1959 to amend the Maritime Commercial Code of 31 March 1919.

NETHERLANDS

- Decree of 23 August 1920 issuing public administrative regulations concerning the labour inspectorates (*Staatsblad* (*Sb.*), 1920, No. 720) (*L.S.* 1924—Neth. 6), as amended by the Decree of 13 March 1931.
- Decree of 28 June 1921 promulgating the Act of 2 January 1901 concerning compulsory accident insurance for workers (*Sb.*, 1921, No. 1) (*L.S.* 1921, Part II—Neth. 1), as amended in 1923 (*L.S.* 1923—Neth. 2), in 1925 (*L.S.* 1925—Neth. 1), in 1928 (*L.S.* 1928—Neth. 1 A and B). . . up to 1950 (*L.S.* 1950—Neth. 4 D).
- Decree of 17 September 1930 to promulgate the Labour Act, 1919 (*Sb.*, 1930, No. 388 (*L.S.* 1964—Neth. 1).
- Act of 2 July 1934 respecting safety at work in general and safety in factories and workshops in particular (*L.S.* 1934—Neth. 2), as amended by the Act of 25 April 1951 (*Sb.*, 1951, No. 136).
- Act of 15 May 1952 respecting dangerous, unhealthy or noxious establishments (*Sb.*, 1952, No. 274).
- Act of 21 April 1810 respecting mines (*Sb.*, 1810, No. 285).
- Quarries Regulations of 1947.
- Decree of 21 December 1964 to establish mines regulations (*Sb.*, 1964, No. 538).

Territories of the Netherlands :

Surinam

- Ordinance of 8 September 1947 respecting labour contracts (*Gouvernementsblad van Suriname*, 1947, No. 140), as amended in 1962 (*ibid.*, 1962, No. 93) and in 1963 (*ibid.*, 1963, No. 164).
- Ordinance of 8 September 1947 governing occupational safety (*ibid.*, 1947, Nos. 142 and 143), as amended by the National Decree of 17 July 1962 (*ibid.*, 1962, No. 109) and the

Decrees of 1947 (*ibid.*, 1947, Nos. 167 and 168), of 1948 (*ibid.*, Nos. 104 and 183), of 1949 (*ibid.*, 1947, No. 128) and of 1950 (*ibid.*, 1950, No. 121) to give effect to the Ordinance.

Ordinance of 10 September 1947 imposing on employers the obligation to grant compensation and granting the right to compensation to persons who have suffered employment injuries, or contracted occupational diseases, in certain industries (*ibid.*, 1947, No. 145), and Decrees of 31 October and 31 December 1947 (*ibid.*, 1947, Nos. 153, 204 and 205), and of 10 June 1948 (*ibid.*, 1948, No. 70), to give effect to the Ordinance.

Order respecting labour inspection and industrial safety inspection (*ibid.*, 1951, No. 111).

NEW ZEALAND

Act No. 71 of 1 October 1954 to consolidate and repeal certain enactments relating to the Department of Labour.

Annual Holidays Act, No. 5 of 4 April 1944 (*L.S.* 1944—N.Z. 3).

Factories Act No. 43 of 12 October 1946 (*L.S.* 1946—N.Z. 4), as amended in 1948 and in 1949 (*L.S.* 1948—N.Z. 4; *L.S.* 1949—N.Z. 4).

Industrial Relations Act, No. 6 of 16 August 1949 (*L.S.* 1949—N.Z. 1).

Machinery Act, No. 52 of 23 November 1950.

Industrial Conciliation and Arbitration Act, No. 72 of 1 October 1954 (*L.S.* 1954—N.Z. 1), as amended by Act No. 52 of 5 December 1962.

Shops and Offices Act, No. 32 of 20 October 1955 (*L.S.* 1955—N.Z. 1).

Health Act, No. 65 of 25 October 1956.

Construction Act, No. 32 of 15 October 1959.

State Services Act, No. 132 of 14 December 1962.

Health (Eating-House) Regulations, 1948.

Coal Mines Act, No. 39 of 1 October 1925 (*L.S.* 1925—N.Z. 2).

Mining Act, No. 15 of 11 September 1926 (*L.S.* 1926—N.Z. 1).

Quarries Act, No. 13 of 30 October 1944.

Transport Act, No. 135 of 14 December 1962.

Licensing Regulations of 1963 under the Transport Act.

Territories of New Zealand :

Cook Islands and Niue

Industry and Labour Ordinance, 1964.

NIGER

Act No. 59-6 of 3 December 1959 to issue Civil Service Rules (*Journal officiel de la République du Niger (J.O.)*, 1 January 1960).

Labour Code, Act No. 62-12 of 13 July 1962, Part VII, Cap. I, of 13 July 1962 (*J.O.*, 25 August 1962, No. 4, Extraordinary, p. 60).

Decree No. 60-014/MTAS of 15 January 1960 to reorganise the employment, manpower and social security services (*J.O.*, 1 February 1960).

General Order No. 1604/ITLS/AOF of 4 March 1954, respecting the notification of undertakings.

NIGERIA

Labour Code, Ordinance No. 54 of 5 November 1945, as amended by Ordinance No. 8 of 20 May 1946 (*L.S.* 1946—Nig. 1 A and B), No. 29 of 1 September 1948 (*L.S.* 1948—Nig. 1), No. 7 of 29 April 1949 (*L.S.* 1949—Nig. 1) and No. 34 of 14 October 1950 (*L.S.* 1950—Nig. 1).

Act No. 51 of 1941 respecting workmen's compensation, as amended, *inter alia*, by Acts No. 23 of 12 October 1950, No. 25 of 3 May 1957 and No. 53 of 16 September 1960.

Factories Act, No. 33 of 14 September 1955, as amended by Act No. 45 of 20 December 1958 (*Laws of the Federation of Nigeria and Lagos*, Cap. 66).

Wages Board Act, No. 5 of 3 May 1957 (*ibid.*, Cap. 211), and Orders issued thereunder.

Factories (Notification of Dangerous Occurrences) Regulations, No. LN 105 of 10 August 1961 (*Government Gazette*, 17 August 1961).

Companies Act (*ibid.*, Cap. 37).
 Registration of Business Names Act (*ibid.*, Cap. 179).
 Lagos Local Government By-Laws (sections 3 and 5).
 Nigerian Railway Corporation Act (*Laws of the Federation of Nigeria and Lagos*, Cap. 139) (Parts VIII, IX, XVI).
 Ports Act (*ibid.*, Cap. 155) (Part V).
 Minerals Act (*ibid.*, Cap. 121) (section 118).
 Coal Corporation Act (*ibid.*, Cap. 134) (sections 28 to 31).
 Road Traffic Act (*ibid.*, Cap. 184).

NORWAY

Workers' Protection Act, No. 2 of 7 December 1956 (*Norsk Lovtidend (N.L.)*, 31 December 1956 (*L.S.* 1956—Nor. 2), as amended by Act No. 1 of 28 November 1958 (*N.L.*, 20 December 1958) (*L.S.* 1958—Nor. 2).
 Workers' Protection Act for Spitsbergen of 21 December 1962 (*N.L.*, 21 January 1963), as amended by the Crown Prince Regent's Decree of 13 November 1964.
 Act of 18 June 1965 respecting the building industry (not yet in force).

PAKISTAN

Railways Act, 1890 (Ch. VI).
 Mines Act, No. IV of 23 February 1923 (*L.S.* 1923—Ind. 3), as amended, as of 1946.
 Workmen's Compensation Act No. 8 of 5 March 1923 (*L.S.* 1923—Ind. 1), as amended up to 1942 (*L.S.* 1942—Ind. 3).
 Factories Act, No. XXV of 20 August 1934 (*L.S.* 1946—Ind. 1), as amended by Act No. V of 11 March 1947 (*L.S.* 1947—Ind. 3) (Western Pakistan only).
 Payment of Wages Act, No. 4 of 23 April 1936 (*L.S.* 1936—Ind. 1).
 Employment of Children Act, No. 26 of 1 December 1938 (*L.S.* 1938—Ind. 5), as amended by Act No. 15 of 8 April 1939 (*L.S.* 1939—Ind. 2) and Regulations of 14 January 1955 thereunder (*L.S.* 1955—Pak. 1).
 Industrial Disputes Ordinance, No. LVI of 19 October 1959 (*L.S.* 1959—Pak. 1), as amended by Ordinances No. XVI of 9 May 1961, No. LXXIX of 29 October 1962, Act. No. XV of 28 July 1964 (Eastern Pakistan) and Act No. XV of 3 June 1965 (Western Pakistan).
 Road Transport Workers' Ordinance, No. XXXVIII of 30 June 1961 (*L.S.* 1961—Pak. 1).
 East Pakistan Factories Act, No. IV of 1 September 1965 (*Dacca Gazette*, Extra., Part III).

PANAMA

Constitution of Panama (Article 118).
 Labour Code of 11 November 1947 (*Gaceta oficial (G.O.)*, Vol. XLIV, 26 November 1947) (*L.S.* 1947—Pan. 1).
 Decree to organise the Ministry of Labour, No. 31 of 14 August 1945 (*G.O.*, 30 August 1945).
 Ministry of Labour Regulations, of January 1957.

PERU

Presidential Resolution of 17 January 1930 to organise the inspection service relating to the work of women and children.
 Legislative Decree to authorise the Ministry of Development to set up regional labour inspectorates in industrial districts, of 17 June 1931 (*L.S.* 1931—Per. 1).
 Presidential Decree of 23 March 1936 to issue regulations for the Directorates of Labour and Social Welfare.
 Presidential Decree of 5 August 1940 respecting the inspection of industrial accidents.
 Legislative Decree No. 11377 of 29 May 1950 to lay down conditions of service and remuneration for public officials.
 Presidential Decree No. 9 of 30 September 1953 (notification of new undertakings to the labour administration).
 Presidential Decree No. 5 of 8 February 1956 to compel employers to take cognisance of labour complaints at an early stage (*El Peruano*, 17 February 1956).

Presidential Decree of 13 April 1959 respecting reports on inspection visits.

PHILIPPINES

Act No. 104 of 29 October 1936 respecting the safety of persons employed in mines, quarries, metalworking and other undertakings (*Official Gazette*, 1937, p. 443).

Administrative Regulations—Chapter on Inspection of Bureau of Labour Standards (Labour Department Manual).

POLAND

Act No. 52 of 4 February 1950 respecting the social inspectorate of labour (*Dziennik Ustaw (D.U.)*, 28 February 1950, No. 6 and No. 13 of 1965, text 91) (*L.S.* 1950—Pol. 1).

Decree of 14 August 1954 respecting the state inspectorate of health (*D.U.*, No. 37, text 160).

Decree of 10 November 1954 transferring to the trade unions certain responsibilities as regards the enforcement of occupational safety and health legislation and labour inspection (*D.U.*, 18 November 1954, No. 52, text 260), as amended (*D.U.*, No. 20 of 1966, text 119, and No. 13 of 1965, text 91).

Decision of the Council of Ministers and the Central Council of Trade Unions of 2 June 1960, respecting joint surveys on occupational safety and health conditions in mining establishments (*Monitor Polski (M.P.)*, 9 August 1960, No. 62, text 292) (*L.S.* 1960—Pol. 2).

Act of 31 January 1961 respecting technical supervision (*D.U.*, 9 February 1961, No. 5, text 31).

Notices of the Chairman of the Council of Ministers of 27 April 1961 respecting the promulgation of a consolidated text of the Decree of 6 May 1953 respecting mining law and a consolidated text of the Decree of 21 October 1954 respecting mining offices (*D.O.*, 10 May 1961, No. 23, texts 113 and 114).

Order of the Council of Ministers of 7 December 1961 specifying the types of technical installations subject to technical supervision and determining the scope of such supervision (*M.P.*, 29 January 1962, No. 6, text 20).

Order of the Minister of Health and Social Welfare of 19 November 1962 respecting the organisation and functions of the therapeutic and prophylactic institutions of the industrial health service (*D.U.*, No. 60 of 1962, text 293).

Order of the Council of Ministers of 21 February 1963 respecting the services responsible for technical supervision (*M.P.*, 25 March 1963, No. 10, text 56).

Act of 30 March 1965 respecting occupational safety and health (*D.U.*, 6 April 1965, No. 13, text 91).

PORTUGAL

Legislative Decree No. 27649 of 12 April 1937.

Legislative Decree No. 32659 of 9 February 1943 to approve disciplinary rules for state civil servants (*Diário do Governo (D.G.)*, No. 32, 9 February 1943, p. 97).

Legislative Decree No. 37244 of 27 December 1948 to reorganise the service of the National Labour and Welfare Institute (*Colecção oficial de Legislação Portuguesa (C.O.L.P.)*, 1948, p. 970).

Legislative Decree No. 37245 of 27 December 1948 to make regulations for the service of the labour inspectorate (*D.G.*, No. 299, p. 1702) (*L.S.* 1948—Por. 1).

Decree No. 37268 of 31 December 1948 to make regulations for the National Labour and Welfare Institute (*C.O.L.P.*, 1948, p. 1050).

Decree No. 37747 of 30 January 1950 to promulgate the Labour Inspection Regulations (*Boletim do Instituto Nacional do Trabalho e Previdência*, Year XVII, No. 3, 15 February 1950).

Legislative Decree No. 43182 of 23 September 1960 to make certain provisions respecting the regulation of labour inspection (*D.G.*, 23 September 1960, No. 222, p. 1994) (*L.S.* 1960—Por. 2).

Legislative Decree No. 45369 of 22 November 1963 to reorganise the Ministry of Corporative Bodies and Social Welfare.

Overseas Provinces :

Decree No. 43637 of 2 May 1961 to set up labour inspection services in overseas provinces (*D.G.*, No. 102, 2 May 1961, p. 512).

Decree No. 44111 of 21 December 1961 to provide for the establishment of labour, social security and social welfare institutes in the overseas provinces (*D.G.*, 21 December 1961).

Decree No. 44309 of 27 April 1962 to approve a Rural Labour Code, sections 223-230 (*D.G.*, 27 April 1962, No. 95, p. 579) (*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. 1246 of 16 July 1955.

Ministerial Decree No. 2 of 25 August 1962.

Order No. 6945 of 25 March 1964 to approve regulations for the labour, social security and social welfare institute (*B.O. de Cabo Verde*, 25 March 1964).

Guinea :

Legislative Decree No. 1491 of 26 August 1950 to approve regulations for industry in the province.

Legislative Decree No. 1509 of 26 May 1951 to approve working hours.

Legislative Decree No. 1515 of 24 July 1951.

Legislative Decree No. 1728 of 28 December 1959.

Order No. 1717A to issue rules for the labour, social security and social welfare institute.

Mozambique :

Legislative Decree No. 1595 of 28 April 1956 to define the legal framework for the employer-worker relationship (*B.O. de Mozambique*, 28 April 1956).

San Tomé and Príncipe:

Legislative Decree No. 494 of 26 December 1957.

Order No. 3480 of 31 December 1963 to approve rules for the labour, social security and social welfare institute (*B.O. de S. Tomé e Príncipe*, 31 December 1963).

RUMANIA

Labour Code, Act of 30 May 1950 (*L.S.* 1950—Rum. 1) as amended by Decrees Nos. 90 of 18 February 1958 (*L.S.* 1958—Rum. 1), 266 of 19 July 1960 (*L.S.* 1960—Rum. 1) and 5 of 15 January 1964 (*Buletinul Oficial (B.O.)*, 22 January 1964, No. 1).

Decision No. 147-779 of the Ministry of Labour and Social Welfare to make provisions that the powers and duties conferred by all Acts, Regulations and Orders on former labour inspectorates or other departments of the Ministry of Labour and Social Welfare shall be exercised by the people's councils and delegated by them to their labour and welfare sections (*B.O.*, 24 September 1949, No. 61).

Decree No. 834 of 5 November 1962 to organise labour protection in the Rumanian Republic (*B.O.*, 9 November 1962).

Resolution No. 965 of 3 December 1964 of the Council of Ministers and the Central Council of Trade Unions to organise labour protection and health and epidemiological activities (*Colectia*, 4 December 1964, No. 56).

Resolution No. 966 of 3 December 1964 of the Council of Ministers of the Central Council of Trade Unions to approve regulations for the notification and registration of industrial accidents and occupational diseases and the allocation and use of credits for labour protection (*ibid.* 4 December 1964, No. 56).

Penal Code (sections 368¹-368⁴).

RWANDA

Decree of 8 January 1952 to set up the labour inspectorate in Rwanda Urundi (*Bulletin officiel du Congo belge*, 15 February 1952).

Legislative Ordinance of 22 March 1965 respecting mines.

SENEGAL

Labour Code, Act No. 61-34 of 15 June 1961 (*Journal officiel de la République de Sénégal (J.O.R.S.)*, 3 July 1961, Extraordinary).

- Decree No. 62-017 of 22 January 1962 to establish a scale of prison sentences for persons convicted of a breach of the Labour Code or Regulations thereunder (*J.O.R.S.*, 30 January 1962).
- Decree No. 62-076 of 27 February 1962 to establish special rules of service for officials of the labour and social security services (*J.O.R.S.*, 15 March 1962).
- Decree No. 62-0116 of 21 March 1962 establishing rules for the organisation and operation of the labour and social security services (*J.O.R.S.*, 7 April 1962).
- Decree No. 62-0297 of 26 July 1962 governing establishments in which dangerous, unhealthy and arduous work is carried on (*J.O.R.S.*, 11 August 1962).
- General Order No. 9552/IGTLS/AOF of 24 December 1953 setting up under the supervision of the territorial inspector of social legislation and labour an advisory technical committee for the study of questions relating to occupational safety and health (*Journal officiel de l'Afrique occidentale française* (*J.O.A.O.F.*), 9 January 1954).
- Local Order No. 2423/ITLS/SM of 28 April 1955 to prescribe rules for the setting up and functioning of joint medical and health services for several establishments.
- Order No. 7762/SET of 8 December 1952 governing prospecting and the working of mines (*J.O.A.O.F.*, 20 December 1952), supplemented by Orders Nos. 3564/IGTLS/AOF and 3565/IGTLS/AOF of 24 April 1956 respecting safety and health measures in mines (*J.O.A.O.F.*, 5 May 1956).
- Order No. 15660/MFPT/DTSS/TMO of 17 September 1962 to prescribe rules for notifications respecting new establishments (*J.O.R.S.*, 20 October 1962).

SIERRA LEONE

- Employers and Employed Act, No. 30 of 7 December 1934 (*L.S.* 1934—*S.L.* 1), as amended (*Laws of Sierra Leone*, 1960, Cap. 212, Vol. VIII).
- Machinery (Safe Working and Inspection) Act (*ibid.*, Cap. 218, Vol. IV), as amended by Act No. 20 of 1960 and Rules made thereunder.
- Docks Regulation (Safety of Wharf Workers) Rules (*ibid.*, Cap. 217, Vol. VIII).
- Workmen's Compensation Act, No. 18 of 8 July 1954 (*ibid.*, Cap. 214, Vol. IV) (*L.S.* 1954—*S.L.* 1), as amended by Act No. 32 of 1962.
- Workmen's Compensation (Notification of Injuries) Rules, 1955 (*ibid.*, Cap. 219, Vol. VIII).

SINGAPORE

- Machinery Ordinance (*Laws of Singapore* (*L.S.*), Cap. 223).
- Workmen's Compensation Ordinance, No. 31 of 15 December 1954 and Regulations of 25 April 1957 made thereunder.
- Ordinance No. 40 of 29 November 1955 to consolidate and amend the labour legislation (*ibid.*, Vol. 1).
- Shop Assistants Employment Ordinance, No. 13 of 10 May 1957.
- Clerks Employment Ordinance, No. 14 of 10 May 1957.
- Factories Ordinance, No. 41 of 14 October 1958 (*Government Gazette* (*G.G.*), 31 October 1958, Supplement, No. 74), as amended by Ordinance No. 49 of 18 August 1959 (*G.G.*, 24 August 1959), and Regulations made thereunder.
- Industrial Relations Ordinance, No. 20 of 25 February 1960 (*G.G.*, 4 March 1960) and Regulations No. S250 of 21 October 1960 made thereunder (*G.G.*, 22 October 1960).

SPAIN

- Act No. 39 of 21 July 1962 respecting the organisation of the labour inspectorate (*Boletín oficial del Estado* (*B.O.E.*), 23 July 1962, No. 175) (*L.S.* 1962—Sp. 4).
- Act No. 38 of 21 July 1962 respecting the organisation of the Inspectorate of Labour (*B.O.E.*).
- Basic Act No. 109 of 20 July 1963 respecting the conditions of service of Spanish public civil servants (*B.O.E.*, No. 175, 23 July 1963).
- Decree No. 2354 of 20 September 1962 respecting the mediation and conciliation functions of inspectors (*B.O.E.*, 24 September 1962).
- Regulations of 13 July 1940 respecting the labour inspectorate (*Colección de Leyes de 1940*, p. 186).
- Decree of 21 December 1943 respecting labour delegations (*B.O.E.*, January 1944).
- Act of 19 July 1944 respecting supervision of mines.

Order of 21 September 1944 to set up safety and health committees (*B.O.E.*, 30 September 1944).
Order of 20 May 1952 prescribing safety regulations for the construction industry (*B.O.E.*, 15 June 1952).

Regulations of 11 September 1953 respecting works councils (*B.O.E.*, 30 October 1953).

Order of 9 February 1954 respecting the function of works councils relating to safety and health (*B.O.E.*, 19 February 1954).

SUDAN

Employment of Children Ordinance, No. 3 of 30 June 1929 (*L.S.* 1929—Sudan 1), as amended, and Regulations made thereunder.

Shops, Trade and Factories (Weekly Closing) Ordinance, 1939, as amended in 1951 (*Sudan Government Gazette (S.G.G.)*, 31 December 1951).

Workmen's Compensation Ordinance, 1948, as amended in 1951 (*S.G.G.*, 31 December 1951), and Regulations made thereunder.

Employers and Employed Persons Ordinance, 1949, as amended by Act No. 42 of 1963 (*S.G.G.*, of 16 November 1963), and Regulations made thereunder.

Workshops and Factories Ordinance, No. 70, and Regulations, 1950, as amended in 1951 (*S.G.G.*, of 15 October 1951), and Orders, 1964, issued thereunder.

Wages Tribunals Ordinance, No. 1 of 5 January 1952 (*L.S.* 1952—Sudan 1).

Shop Assistants Wages Tribunal Order of 15 August 1953 (*S.G.G.*, 15 August 1953).

Domestic Servants Ordinance, as amended by Act No. 41 of 1960 (*S.G.G.*, 15 November 1960).

Mining and Quarries Ordinance of 15 June 1950.

Inspection of Boilers Order of 10 July 1912.

SWEDEN

Workers' Protection Act No. 1 of 3 January 1949 (*Svensk Författningssamling (S.F.)*, 1949, p. 1); (*L.S.* 1949—Swe. 1), as amended by Acts Nos. 70 of 17 March 1950 (*L.S.* 1950—Swe. 1), 100 of 18 March 1955, and 111 of 14 March 1958 (*S.F.*, 1958).

Royal Decree No. 208 of 6 May 1949: Regulations under the Workers' Protection Act (*L.S.* 1949—Swe. 4), as amended by Order No. 476 of 21 September 1956 (*S.F.*, 1956, p. 1023) (*L.S.* 1956—Swe. 3).

Royal Decree No. 822 of 17 December 1948 respecting special inspectors in the labour inspectorates for supervising work connected with road and rail traffic.

Royal Decree No. 824 of 17 December 1948 respecting special inspectors in the labour inspectorates for supervising the manufacture, handling and storage of explosive or particularly inflammable substances.

Royal Decree No. 430 of 18 June 1949 respecting special inspectors in the labour inspectorates for supervising certain types of work in mines.

Instruction for the Workers' Protection Board, No. 645 of 15 November 1957 (*S.F.*, 1957, p. 1639), as amended in 1961 (*S.F.*, 1961, p. 253).

Instruction for the Labour Inspectorate, No. 646 of 15 November 1957 (*S.F.*, 1957, p. 1645).

Various Decrees concerning the protection of workers in given undertakings or branches of activity.

SWITZERLAND

Federal Act of 13 June 1911 respecting sickness and accident insurance, as amended (*Feuille fédérale*, Vol. III, 14 June 1911).

Federal Act of 18 June 1914 respecting working hours in factories, (*ibid.*, Vol. III, 1914, p. 579).

Federal Council Ordinance of 3 October 1919 respecting the implementation of the Federal Act respecting working hours in factories (*Recueil des lois fédérales (R.L.S.)*, 1919, No. 58).

Federal Act of 30 June 1927 respecting the conditions of service of federal employees (*R.L.S.*, 1927, No. 20) (*L.S.* 1927—Switz. 2), as amended on 24 June 1949 (*R.L.S.*, 1949, p. 1823).

Federal Council Ordinance of 24 October 1930 respecting service reports by general administrative officials of the Confederation (Regulations for Officials I) (*R.L.S.*, 1930, No. 34).

Federal Department of Economy Ordinance of 12 August 1937 respecting the co-operation of federal factory inspectors in the prevention of accidents.

Rules for the labour medical service of 30 April 1947.

Regulations of 1 April 1949 respecting the organisation, powers and duties of the federal factory inspectorates.

Act of 19 December 1958 respecting road traffic (*Feuille fédérale*, 26 December 1958, p. 1681).

Act of 13 March 1964 respecting work in industry, arts and crafts and commerce (*ibid.*, No. 11, 19 March 1964).

SYRIAN ARAB REPUBLIC

Constitution of the Syrian Arab Republic of 13 September 1962.

Act No. 135 of 10 January 1945 to establish conditions of service for state employees (*Recueil des Lois (R.L.)*, No. 8, August 1951, p. 2).

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

Social Insurance Code, Act No. 92 of 6 April 1959 (*ibid.*) (*L.S.* 1959—U.A.R. 2).

Decree No. 382 of 25 April 1946 giving effect to the Act respecting supervision of public health.

Order No. 134 of 9 June 1960 to implement the Code for state employees, public undertakings, nationalised undertakings and administrative bodies with legal personality (*R.L.*, Supplement No. 14, 1960, p. 63).

Order No. 438 of 13 August 1960 respecting the organisation of night inspection in workplaces.

Presidential Order No. 191 of 29 August 1960 to amend certain provisions of Presidential Order No. 275 of 28 April 1958 to organise the Ministry of Social Welfare and Labour in the Syrian Province (*R.L.* Supplement No. 60, p. 59).

Order No. 697 of 14 August 1962 to designate the authorities responsible for the enforcement of certain provisions of the Labour Code (*R.L.* Supplement No. 14, p. 70).

Order No. 465 of 4 July 1965 governing the organisation of labour inspection.

TANZANIA

Tanganyika

Factories Ordinance, No. 46 of 16 December 1950 (*Laws of Tanganyika*, Cap. 297).

Accidents and Occupational Diseases (Notification) Ordinance, No. 25 of 14 October 1953 (*ibid.*, Cap. 330).

Employment Ordinance, No. 47 of 10 November 1955 (*ibid.*, Cap. 366) (*L.S.* 1955—Tan. 1), as amended in 1960 (*L.S.* 1960—Tan. 1) and 1962 (*L.S.* 1962—Tan. 2).

Mining Ordinance (*Laws of Tanganyika*, Cap. 123), as amended by Act No. 9 of 1964.

Regulation of Wages and Terms of Employment Ordinance (*ibid.*, Cap. 300) (*Government Notice* No. 508, 21 December 1962).

Security of Employment Act, No. 62 of 10 December 1964 (*The United Republic of Tanzania (T.U.R.T.)* 1964, No. 62, p. 373) (*L.S.* 1964—Tan. 2) and Regulations of 19 February 1965 respecting security of employment (*T.U.R.T.*, No. 8, 1965).

TOGO

Act No. 52-1322 of 15 December 1952 promulgating a Labour Code for the territories and associated territories under the French Ministry for Overseas Affairs (Part VII, Cap. 1) (*L.S.* 1952—Fr. 5), as amended by Decree No. 567 of 20 May 1955 (*L.S.* 1955—Fr. 3).

Decree No. 57-81 of 26 July 1957 respecting the organisation and operation of the Ministry of Labour and Social Affairs (*Journal officiel de la République autonome du Togo, (J.O.)* 16 August 1957 (*L.S.* 1957—Togo 1).

Act No. 58-66 of 1 December 1958 to establish conditions of service for public officials (*J.O.*, 2 December 1958) and Decree No. 61-61 of 21 July 1961 made thereunder (*J.O.* 25 July 1961).

Act No. 63-28 of 17 January 1964 to set up a scheme for the prevention of and compensation for industrial accidents and occupational disease (*J.O.* No. 245, 16 February 1964).

TUNISIA

Decree of 27 March 1919 promulgating regulations for dangerous, unhealthy or noxious establishments (*Journal officiel de Tunisie (J.O.)*, 2 April 1919), as amended by the Decree of 30 December 1935 (*J.O.*, 23 January 1936) and by the Decree of 30 December 1947 (*J.O.*, 1 January 1948).

Order of 19 March 1948 to establish conditions of service for labour supervisors (*J.O.*, 30 March 1948), as amended by the Orders of 12 April 1950 (*J.O.*, 14 April 1950) and 22 February 1956 (*J.O.*, 24 February 1956).

Decree of 6 August 1953 respecting labour inspection (*J.O.*, 11 August 1953).

Decree of 20 September 1955 instituting industrial medicine (*J.O.*, 27 September 1955).

Order of 20 August 1956 to revise the Regulations for competitions for the post of labour inspector (*J.O.*, 31 August 1956).

Order of 14 March 1957 to revise the Regulations for competitions for the post of labour supervisor (*J.O.*, 26 March 1957).

Act of 11 December 1957 respecting the system of compensation for industrial accidents and occupational diseases (*J.O.*, 20 December 1957) (*L.S.* 1957—Tun. 1).

Act of 5 February 1959 to establish general conditions of service for state officials (*J.O.*, 6 February 1959).

Act No. 60-31 of 14 December 1960 organising labour relations within the undertaking (*J.O.*, 16 December 1960), as amended by Act No. 61-17 of 31 May 1961 (*J.O.*, 2-6 June 1961).

Act No. 60-32 of 14 December 1960 respecting the notification of establishments (*J.O.*, 16 December 1960).

Decree of 13 January 1962 governing staff representation within the undertaking (*J.O.*, 6-19 January 1962).

TURKEY

Act No. 1593 of 24 April 1930 respecting public health (*Resmî Gazete (R.G.)*, 6 mayis 1489) (*L.S.* 1930—Tur. 1).

Labour Code, Act No. 3008 of 8 June 1936 (*R.G.*, 15 haziran 1936) (*L.S.* 1936—Tur. 2).

Act No. 3763 of 3 October 1940 respecting establishments working for the national defence.

Act No. 275 of 15 July 1963 respecting collective labour agreements, strikes and lockouts (*R.G.*, 24 July 1963), (*L.S.* 1963—Tur. 2).

Act No. 440 of 12 March 1964 respecting state economic organisations and undertakings (*R.G.*, 21 March 1964).

Regulations No. 15156 of 15 February 1941 respecting workers' safety and health.

Regulations No. 2/15592 of 14 April 1941 respecting the supervision and inspection of establishments managed directly by the State, the *Vilâyet* and the municipal authorities, as well as establishments the activities of which are closely connected with the national defence, as amended by Regulations No. 6/2053 of 10 August 1963.

Regulations No. 3/7896 of 22 July 1948 respecting arduous and dangerous work.

Regulations No. 3/15556 of 12 August 1952 respecting measures to be taken in establishments where inflammable, explosive, dangerous and noxious substances are used.

Act No. 151 of 10 September 1921 respecting the rights of the workers employed in the Heraclea coalfield (*L.S.* 1923—Tur. 1).

Act No. 4268 of 17 June 1942 respecting prospecting and the working of mines.

Act No. 6379 of 10 March 1954 respecting employment of seamen (*R.G.*, 20 March 1954) (*L.S.* 1954—Tur. 4).

Act of 12 February 1963 providing for the strengthening of the Ministry of Labour (*R.G.*, 19 February 1963).

Regulations of 26 March 1906 respecting mines.

Regulations No. 2/18562 of 11 August 1942 respecting health measures for miners employed in the Heraclea coalfield.

Regulations No. 2/20738 of 11 October 1943 respecting hours of work, as amended by Regulations No. 5/77 of 4 July 1960.

Regulations No. 4/922 of 28 May 1953 respecting labour safety measures in mines.

Ordinance No. 2608 of 1923 respecting the establishment of the Mineworkers' Union, as well as the welfare and relief funds for the miners of Heraclea, as amended (*L.S.* 1923—Tur. 1; 1932—Tur. 2; 1936—Tur. 1).

UGANDA

Employment of Women Ordinance, No. 32 of 12 December 1931 (*L.S.* 1931—Ug. 2), as amended by Ordinance No. 1 of 5 February 1936 (*Laws of Uganda (L.U.)*, Cap. 85) (*L.S.* 1936—Ug. 1).

Employment of Children Ordinance, No. 18 of 1938, as amended by Ordinance No. 27 of 1946 (*L.U.*, Cap. 86).

Employment Ordinance, No. 13 of 30 April 1946, as amended by Ordinance No. 9 of 23 February 1955 (*ibid.*, Cap. 83) (*L.S.* 1955—Ug. 1 A and B), and Rules made thereunder.

Factories (Health, Safety and Welfare) Ordinance, No. 5 of 31 March 1952 (*Uganda Gazette*, 3 April 1952), as amended by Ordinances Nos. 3 of 22 January 1953 (*ibid.*, 22 January 1953), 7 of 25 February 1963 (*ibid.*, 26 February 1963) and 10 of 22 June 1964; and Rules and Orders made thereunder.

Mining Ordinance (Parts I, VII and XI) (*L.U.*, Cap. 129).

UKRAINE

Labour Code.

Regulations respecting public labour inspectors, approved on 21 January 1944 by the Presidium of the Central Council of Trade Unions (*Okhrana truda i tekhnika bezopasnosti*, 1963, p. 596).

Order of 17 August 1957 of the Presidium of the All-Union Central Council of Trade Unions respecting the transfer to the trade union councils of responsibility for the technical inspectors of the Central Committee of Trade Unions and for the insurance physicians of the trade union organisations (*Byulleten VTsSPS*, 1957, No. 16).

Rules of 17 January 1958 respecting the technical inspectors of the trade union councils (*ibid.*, 1958, No. 3).

Order No. 875 of 11 July 1958 of the Council of Ministers respecting the government examination boards operating under the supervisory bodies responsible for occupational safety in industry and mines.

Regulations of 15 July 1958 respecting the rights of factory, works and local trade union councils (*L.S.* 1958—U.S.S.R. 3).

Regulations of 20 February 1959 of the Presidium of the Central Council of Trade Unions respecting public inspectors of labour protection in kolkhozes.

Order of 4 September 1959 of the Presidium of the Central Council of Trade Unions to approve rules for the investigation and recording of industrial accidents (*Byulleten VTsSPS*, 1959, No. 17).

Order No. 73 of 23 January 1962 of the Council of Ministers of the U.S.S.R. and the All-Union Central Council of Trade Unions, and Order No. 219 of 26 February 1962 of the Council of Ministers of the Ukrainian S.S.R. and of the Council of Trade Unions of the Ukrainian Republic respecting measures for the improvement of labour protection in undertakings and on construction sites.

Regulations respecting the labour protection boards of factory, works and local trade union councils, approved on 4 October 1963 by the Presidium of the Central Council of Trade Unions.

Order No. 727 of 10 July 1964 of the Council of Ministers of the U.S.S.R. to promulgate the Regulations of the State Committee of the Council of Ministers of the U.S.S.R. respecting occupational safety inspection in industry and mining.

U.S.S.R.

Labour Code of the R.S.F.S.R. and the other Republics of the Union (*L.S.* 1936—Russ. 1; 1958—U.S.S.R. 1).

Order of the Council of People's Commissars of the U.S.S.R. of 30 June 1931 respecting public inspectors of the labour inspectorate (*Izvestiya N.K.T./U.S.S.R.*, 1931, No. 25) (*L.S.* 1931—Russ. 8).

Order of the People's Labour Commissar of the R.S.F.S.R. of 14 March 1933 establishing an abridged nomenclature for labour protection measures (*Izvestiya N.K.T./U.S.S.R.* 1933, Nos. 9-10) (*Sbornik zakonodatelnykh aktov o trude*, 1961, p. 339).

Order of the Council of People's Commissars of the U.S.S.R. of 27 November 1937 to approve a standard identity card for labour inspectors and regulate its issue and use (*Byulleten VTsSPS*, 1937, No. 12) (*Okhrana truda i tekhnika bezopasnosti*, 1961, p. 593).

Regulations for the public labour inspectorate, approved on 21 January 1944 by the Praesidium of the Central Council of Trade Unions (*Okhrana truda i tekhnika bezopasnosti*, 1963, p. 596).

Regulations of 3 August 1944 governing public inspectors of the protection of young workers, approved by the Secretariat of the Central Council of Trade Unions (*Sbornik zakonodatelnykh aktov o trude*, 1956, p. 399).

Regulations of 21 April 1965 respecting the State Commission of the Council of Ministers of the R.S.F.S.R. for the Supervision of Labour Safety in Industry and Mines.

- Order of 24 May 1955 respecting the State Labour and Wages Commission of the Council of Ministers (*Vedomosti Verkhovnova sovieta S.S.S.R.*, 1955, No. 8, p. 196) (*Okhrana truda i tekhnika bezopasnosti*, 1963, p. 13).
- Regulations of 17 January 1958 approved by the Praesidium of the Central Council of Trade Unions of the U.S.S.R., respecting the technical inspectors of the councils of trade unions (*Byulleten VTsSPS*, 1958, No. 3 and *ibid.*, p. 589).
- Order of the Council of Ministers of the U.S.S.R., No. 448 of 24 April 1958, to reorganise the authorities responsible for public supervision of labour safety in industry and the inspection system in mines (*Sobranie Postanovlenii*, 1958, No. 7, p. 65) (*Okhrana truda i tekhnika bezopasnosti*, 1963, p. 601).
- Ukase of 15 July 1958 to approve regulations respecting the rights of factory, works and local trade union committees *Vedomosti Verkhovnova Sovieta S.S.S.R.*, 24 July 1958, No. 15, text No. 282) (*L.S.* 1958—U.S.S.R. 3).
- Order of the Praesidium of the Central Council of Trade Unions of the U.S.S.R. of 22 August 1958, respecting the organisation of the supernumerary technical inspection services in the councils of trade unions (*Byulleten VTsSPS*, 1958, No. 17) (*Okhrana truda i tekhnika bezopasnosti*, 1963, p. 594).
- Regulations for the State Commission of the Council of Ministers of the R.S.F.S.R. for the Supervision of Labour Safety in Industry and Mines, approved by the Order of the Council of Ministers of the R.S.F.S.R. of 20 October 1958 (*Sobranie Postanovlenii*, 1958, No. 15, p. 59 and 1961, No. 22, p. 100) (*Okhrana truda i tekhnika bezopasnosti*, 1963, p. 602).
- Regulations for the State Commission of the Council of Ministers of the R.S.F.S.R. for the Supervision of Labour Safety in Industry and Mines of 21 April 1965.
- Decree as to the organisation of the State Committee of the U.S.S.R. and Union republics (attached to the Council of Ministers of U.S.S.R.) for supervision of occupational safety in industry and mining, No. 37 of 15 January 1966 (*Sobranie Postanovlenii*, 1966, No. 2, p. 29).

UNITED ARAB REPUBLIC

- Law No. 210 of 28 October 1951 respecting the status of public employees (*Gazette fiscale (G.F.)*, January-February 1952, No. 17-18).
- Law No. 384 of 1958 respecting prior authorisation for the opening of industrial and commercial establishments.
- Labour Code, Law No. 91 of 5 April 1959 (Part VI) (*L.S.* 1959—U.A.R. 1).
- Law No. 92 of 6 April 1959 to promulgate the Social Insurance Code (*L.S.* 1959—U.A.R. 2).
- Ministerial Order No. 27 of 8 February 1961 regulating night inspection (*G.F.*, February 1961, No. 126).
- Presidential Decree No. 800 of 29 April 1963 to apply the Regulations to provide for the conditions of service of persons employed by public bodies (*G.F.*, June-August 1963, No. 154-156).
- Law No. 46 of 1964 issuing regulations for state employees.
- Law No. 63 of 21 March 1964 respecting social insurance (*G.F.*, January-March 1964, Vol. 16).
- Ministerial Order No. 97 of 1964 respecting the creation of industrial safety committees (*Industrial Egypt*, October-December, 1964, Vol. 40, No. 4).

UNITED KINGDOM

- Metalliferous Mines Regulation Act (Northern Ireland), 1872.
- Payment of Wages in Kind Act, 1887 (section 13,2) (50-51 Vict., Cap. 46) and 1896 (section 10) (59-60 Vict., Cap. 44).
- Railways Employment (Prevention of Accidents) Act, 1900.
- Coal Mines Act (Northern Ireland), 1911.
- Motor Vehicles and Road Traffic Act (Northern Ireland), 1926-45.
- Quarries Act (Northern Ireland), 1927.
- Hours of Work (Conventions) Act, 14 July 1936 (sections 1, 2 and 3, 5) (26 Geo. V and 1 Edw. VIII, Cap. 22) (*L.S.* 1936—G.B. 2).
- Road Haulage (Wages) Act, 13 July 1938 (section 11) (1-2 Geo. VI, Cap. 44) (*L.S.* 1938—G.B. 8).
- Young Persons (Employment) Act, 29 July 1938 (section 3,2) (1-2 Geo. VI, Cap. 69) (*L.S.* 1938—G.B. 6).
- Factories Acts (Northern Ireland), 1938, 1949 and 1959 (sections 128-134) (2 Geo. VI, Ch. 23).

Wages Councils Act (Northern Ireland), 1945 (section 17) (8-9 Geo. VI, Ch. 23).
 Shops Act (Northern Ireland), 1946.
 Shops Act, 28 July 1950 (section 71) (14 Geo. VI, Cap. 28) (*L.S.* 1950—*G.B.* 1).
 Mines and Quarries Act of 25 November 1954 (sections 144-146) (2-3 Eliz. II, Cap. 70).
 Wages Councils (Consolidation) Act (section 19) (7-8 Eliz. II, Cap. 67) (*L.S.* 1959—*G.B.* 2).
 Road Traffic Act, 1960.
 Factories Act of 22 June 1961 to consolidate the Factories Acts, 1937-59 (sections 145-154) (9-10 Eliz. II, Cap. 34) (*L.S.* 1961—*G.B.* 1).
 Offices, Shops and Railway Premises Act of 31 July 1963 (sections 52-62) (*P.G.A.*, 1963, Cap. 41), and Orders of 1964 made thereunder.
 Various Regulations and Orders relating to safety and health in certain industries.

United Kingdom Territories :

Aden

Factories Ordinance (Cap. 63).

Antigua

Labour Ordinance, No. 3 of 31 July 1950.
 Factories Ordinance, No. 12 of 13 August 1957.

Bahamas

Trade Union and Industrial Conciliation Act, No. 30 of 1958 (*Bahamas Acts*, 1958), as amended by Act No. 13 of 1965.

Barbados

Act No. 8 of 13 July 1938 respecting the work of women, young persons and children, as amended by Acts No. 35 of 25 October 1940 and No. 63 of 8 December 1951.
 Act No. 21 of 1 September 1943 respecting the Labour Department, as amended by Acts No. 43 of 12 October 1951, and No. 12 of 28 April 1961.
 Shops Act, No. 27 of 1945, as amended by Act No. 61 of 6 November 1951.
 Holidays with Pay Act, No. 38 of 3 September 1951.
 Employment Injury and Occupational Disease (Notification) Act, No. 59 of 6 November 1951.
 Protection of Wages Act, No. 64 of 1951, as amended by Act No. 22 of 1955.
 Labour Clauses (Public Contracts) Act No. 12 of 1952.
 Wages Councils Act, No. 41 of 14 October 1955 and Regulations made thereunder.
 Factories Act, No. 58 of 14 February 1956, as amended by Act No. 29 of 31 July 1959 and Regulations No. LN 156 of 9 August 1958 made thereunder.
 Quarries Act, No. 39 of 15 November 1963.

Basutoland

Employment Law, No. 16 of 3 March 1965 (*Government Gazette*, No. 3462, 26 March 1965).

Bechuanaland

Employment Law, 1963 (No. 15 of 18 November 1963) (*Government Gazette*, 9 December 1963) (*L.S.* 1963—*Bech.* 1).
 Works and Machinery Proclamation (*Laws of Bechuanaland*, Cap. 125).

Bermuda

Employment of Children and Young Persons Act, No. 213 of 28 December 1963.
 Workmen's Compensation Act, No. 25 of 1 May 1965.
 Labour Act No. 108 of 23 June 1965.

British Guiana

Employment of Women, Young Persons and Children Ordinance, No. 14 of 1933, as amended by Ordinances No. 6 of 1934 and No. 7 of 1940 (*Laws of British Guiana*, Cap. 107).
 Labour Ordinance, No. 2 of 23 January 1942, as amended by Ordinance No. 8 of 26 February 1960 (*Official Gazette (O.G.)*, 5 March 1960).

Factories Ordinance, No. 30 of 22 October 1947 (Cap. 115), as amended by Ordinances No. 14 of 29 July 1949 and No. 39 of 3 December 1954 (*O.G.*, 4 December 1954) and various Regulations made thereunder:

Factories Regulations, No. 12 of 1 October 1949.

Factories (Health and Welfare) Regulations, No. 16 of 6 June 1951, as amended by Regulations No. 36 of 24 November 1953.

Factories (Prescribed Forms) Regulations, No. 17 of 6 June 1951, as amended by Regulations No. 11 of 1958.

Factories (Building Safety) Regulations, No. 4 of 1955.

Holidays with Pay Ordinance, No. 3 of 8 March 1952, as amended by Ordinances No. 28 of 5 August 1954 (*O.G.*, 7 August 1954) and No. 41 of 24 October 1955 (*O.G.*, 29 October 1955) and Regulations No. 10 of 7 January 1953 made thereunder.

Employment Accidents and Occupational Disease (Notification) Ordinance, No. 41 of 24 October 1955, as amended by Ordinances No. 11 of 3 April 1958 (*O.G.*, 5 April 1958) and No. 11 of 29 February 1960 (*O.G.*, 5 March 1960) and Regulations No. 7 of 3 March 1956 made thereunder.

Order in Council No. 64, of 18 December 1957, providing that quarries are to be considered as factories for the purposes of the 1947 Ordinance.

British Honduras

Factories Act, No. 9 of 1942 (*Laws of British Honduras (L.B.H.)*, 1958, Vol. 3).

Accidents and Occupational Diseases (Notification) Ordinance, No. 29 of 22 November 1952 (*L.B.H.*, Cap. 141).

Labour Ordinance, No. 15 of 31 December 1959.

Brunei

Labour Enactment, No. 11 of 1954 (*Government Gazette*, 28 February 1955, Supplement), as amended by the Ordinance of 1961.

Workmen's Compensation Ordinance, No. 5 of 1957.

Trade Disputes Enactment, No. 6 of 1961.

Fiji

Ordinance to consolidate and amend the law relating to labour, No. 23 of 1 August 1947 (*Laws of Fiji*, 1955, Cap. 92).

Local Government (Towns) Ordinance, 1948.

Town Planning Ordinance, 1948 as amended up to 1958 (*ibid.*, Ch. 78-88).

Factories Ordinance, No. 13 of 13 May 1957.

Employment Ordinance, No. 15 of 1964.

Mines Ordinance (*ibid.*, Cap. 127).

Gibraltar

Employment of Women, Young Persons and Children Ordinance, No. 16 of 18 November 1932 (*L.S.* 1932—Gib. 1), as amended by Ordinances Nos. 5 of 1948 and 7 of 1952 (*Laws of Gibraltar*, 1959, Cap. 40).

Employment Accidents and Occupational Diseases (Notification) Ordinance, No. 21 of 27 December 1950 (*ibid.*, 1953, Cap. 136) (*L.S.* 1950—Gib. 1).

Employment Injuries Insurance Ordinance, No. 10 of 13 March 1952 (*ibid.*, 1961, Cap. 147).

Regulation of Wages and Conditions of Employment Ordinance, No. 19 of 1953 (*ibid.*, 1963, Cap. 159).

Control of Employment Ordinance, 1956 (*ibid.*, 1957, Cap. 163).

Factories Ordinance, No. 12 of 1956 (*ibid.*, 1957, Cap. 170).

Conditions of Employment (Annual and Public Holidays) Order, 1958 (*ibid.*, 1963, Cap. 159).

Conditions of Employment (Omnibus Drivers and Conductors) Order, 1963 (*ibid.*, Cap. 159).

Gilbert and Ellice Islands

Labour Ordinance, No. 6 of 18 September 1951.

Grenada

Employment of Women, Young Persons and Children Ordinance, No. 8 of 1934 (*L.S.* 1934—Gren. 1 A), as amended in 1939 and 1945.

Trade (Hours of Work) Ordinance, No. 4 of 1938.

Wages Boards Ordinance, No. 4 of 28 March 1951.

Employment Accidents and Occupational Diseases (Notification) Ordinance, No. 9 of 30 May 1951.

Factories Ordinance, No. 15 of 10 October 1958.

Guernsey

Health, Safety and Welfare of Employees Law, 1950, adopted by Ministerial Decree of 31 March 1950.

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952.

Safety of Employees (First Aid and Welfare) Ordinance, 1954.

Quarries (Safety) Ordinance, 1954.

Safety of Employees (Electricity) Ordinance, 1956.

Poisonous Substances Law, 1958.

Safety of Employees (Woodworking) Ordinance, 1959.

Poisonous Substances Ordinance, 1962.

Hong Kong

Workmen's Compensation Ordinance, No. 28 of 1953 (*Government Gazette*, No. 43, 25 September 1953), as amended by Ordinance No. 19 of 4 June 1964, and Regulations made thereunder as amended in 1964.

Mining Ordinance, No. 33 of 1954 (*Government Gazette*, No. 33, 27 August 1954), as amended in 1960 (*ibid.*, No. 29, 12 August 1960) (sections 46-50), and Regulations made thereunder.

Mines (Safety) Regulations, 1954 (*ibid.*, No. 45, 15 October 1954), as amended in 1963 (*ibid.*, No. 58, 13 December 1963).

Factories and Industrial Undertakings Ordinance, No. 34 of 1955, as amended up to 1965 and Regulations made thereunder.

Boiler and Pressure Receivers Ordinance No. 38 of 1962 as amended by Ordinance No. 11 of 1965.

Jersey

Act of the States of Jersey—Safeguarding of Workers (Jersey) Law, 1956.

Trade Union and Industrial Conciliation Act, No. 30 of 1958, as amended by Law No. 13 of 31 March 1965.

Isle of Man

Factories and Workshops Act, 1909 (Principal Act), as amended; Rules and Regulations made thereunder.

Employment of Women, Young Persons and Children Act, 1930.

Mines and Quarries Regulation Act, 1950, and Regulations made thereunder.

Mauritius

Labour Ordinance, No. 47 of 1938 (*Revised Ordinances*, 1945, Cap. 214), as amended.

Workmen's Compensation Ordinance, No. 13 of 1931 (*ibid.*, Cap. 220, as amended.

Factories Ordinance, No. 42 of 1946.

Minimum Wages Ordinance, No. 36 of 1950.

Trade and Industries Ordinance, No. 65 of 1951.

Montserrat

Labour Ordinance, No. 5 of 1950, as amended by Ordinance No. 5 of 1954.

St. Helena

Factories Ordinance, No. 7 of 1937 and Factories Rules.

St. Lucia

Factories Ordinance, No. 8 of 27 December 1943 (*Laws of St. Lucia*, Ch. 106).
Wages Councils Ordinance, No. 1 of 6 February 1952.
Labour Ordinance, No. 34 of 1 December 1959.
Labour Regulations, No. 15 of 23 April 1960.

St. Vincent

Employment of Women, Young Persons and Children Ordinance No. 20 of 1935, as amended by Ordinances Nos. 14 of 1939 and 17 of 1952.
Accidents and Occupational Diseases (Notification) Ordinance, No. 24 of 18 September 1952.
Wages Councils Ordinance, No. 1 of 29 January 1953.
Factories Ordinance, No. 5 of 14 April 1955.
Wages Councils (Industrial Undertakings) Order (*Statutory Regulations and Orders (S.R. and O.)*, No. 25, 1958).
Industrial Workers Wages Regulations Order (*S.R. and O.*, No. 21, 1964).

Seychelles

Labour Ordinance, No. 22 of 1932.
Safety of Workmen in Factories Ordinance, No. 11 of 19 July 1954.

Solomon Islands

Labour Ordinance, No. 3 of 1960 (*Laws of the British Islands Protectorate*, 1961, Vol. I, Cap. 28), as amended by Ordinance No. 20 of 1964.
Workmen's Compensation Ordinance, No. 5 of 1952 (*ibid.*, Cap. 30), and Regulations made thereunder, 1959 (*ibid.*).
Shipping Ordinance (*ibid.*, 1961, Cap. 108).

Southern Rhodesia

Public Services Act (*Laws of Southern Rhodesia*, Ch. 68), as amended by Act No. 18 of 1956.
Shop Hours Act, 1945.
Factories and Works Act, No. 20 of 1948 (Ch. 229) (*L.S.* 1948—*S.R.* 1).
Industrial Conciliation Act, No. 29 of 1959 (*L.S.* 1959—*S.R.* 1).
Native Labour Regulations Act (*ibid.*, Cap. 86).
Mines and Minerals Act (Ch. 203).

Swaziland

Employment Proclamation, No. 51 of 28 August 1962 (*Official Gazette*, 7 September 1962) (*L.S.* 1962—*Swa.* 1).
Mines and Quarries Act, No. 11 of 16 July 1965 (*ibid.*, 23 July 1965, No. 114).
Factories Bill, No. 16 of 1965.
Employment (Amendment) Bill, No. 18 of 1965.

UNITED STATES

Public Contracts Act, 1936, amended as of 1958 (41 *United States Code (U.S.C.)* 35-46).
Fair Labor Standards Act, 1938, amended as of 1963 (29 *U.S.C.* 201-219) (*L.S.* 1938—*U.S.A.* 1; 1949—*U.S.A.* 1 A; 1955—*U.S.A.* 1; 1961—*U.S.A.* 1 A, 1 B, 1 C, 1 D).
Federal Coal Mine Safety Act, 1952 (30 *U.S.C.* 451-483).
Interstate Commerce Act (49 *U.S.C.* 301-327).
Safety Appliances Acts (45 *U.S.C.* 1-16).
Hours of Service Act (45 *U.S.C.* 61-64).
Adamson Eight-Hour Act (45 *U.S.C.* 65-66).
Signal Inspection Act (49 *U.S.C.* 25).
Boiler Inspection Act (45 *U.S.C.* 22-34).
Safety Devices Inspection Act (45 *U.S.C.* 36).

Accident Reports Act (45 U.S.C. 38-43).
 Transportation of Explosives and Other Dangerous Articles Act (18 U.S.C. 832).
 Federal Aviation Act, 1958 (49 U.S.C. 1301-1505).
 Federal Aviation Regulations (*Federal Regulations Code* 29).

UPPER VOLTA

Act No. 26-62-AN to approve a Labour Code promulgated by Decree No. 348-PRES/AN of 17 August 1962 (Part VII, Cap. I) (*Journal officiel de la Haute-Volta (J.O.H.V.)*, 18 August 1962, No. 33bis Special).
 Order of 10 June 1946 to determine the conditions of operation of the Labour Inspectorate in A.O.F.
 Decree No. 435/PRES/FP.P of 8 November 1960 to organise the labour inspection staff of Upper Volta.

VIET-NAM

Labour Code, Ordinance No. 15 of 8 July 1952, as amended by Ordinance No. 27 of 30 April 1956 and Ordinance No. 57-c of 24 October 1956 (*L.S.* 1956—V.N. 1).

YUGOSLAVIA

General Act respecting infringements, of 4 December 1947, as amended in 1950 (*Službeni List (S.L.)* No. 11, 1950).
 Penal Code of 27 February 1951 (*S.L.*, No. 13, 1951).
 Regulations of 28 March 1952 respecting the ranks, powers and duties and remuneration of officials of the labour inspectorate (*S.L.*, 1952, No. 18).
 Regulations of 12 July 1952 respecting career examinations for officials of the labour inspectorate (*S.L.*, 1952, No. 39).
 Act of 26 March 1956 respecting State administration (*S.L.*, 1956, No. 13).
 Act of 26 March 1956 respecting the federal organs of State administration (*S.L.*, 1956, No. 13).
 Act of 15 May 1956 respecting health inspection (*S.L.*, 30 May 1956).
 Acts of 12 December 1957 respecting labour relations (*S.L.*, 25 December 1957) (*L.S.* 1957—Yug. 2), as amended by the Act of 28 December 1958 (*S.L.*, 7 January 1959).
 Act of 12 December 1957 respecting civil servants (*S.L.*, 25 December 1957).
 Decree of 14 February 1958 respecting the powers and duties of labour inspectors (*S.L.*, 26 February 1958).
 Basic Act of 29 May 1964 to consolidate the mining laws (incorporating the Acts of 2 July 1959 and 21 May 1964) (*S.L.*, 3 June 1964, No. 23, text 312).
 Decree of 4 April 1965 to promulgate the Act respecting occupational safety (*S.L.*, 5 April 1965, No. 5, text 314).

ZAMBIA

Employment of Natives Ordinance, No. 56 of 23 November 1929 (*Laws of Northern Rhodesia (L.N.R.)*, Cap. 171, (*L.S.* 1929—N.R. 1), as amended by Ordinance No. 41 of 5 December 1930 (*L.S.* 1930—N.R. 3) and by Ordinance No. 30 of 1953).
 Ordinance No. 10 of 10 April 1933 to regulate the employment of women, young persons and children, as amended (*L.N.R.*, Cap. 191) (*L.S.* 1933—N.R. 1; 1936—N.R. 1; 1950—N.R. 1 A and B).
 Minimum Wages, Wages Councils and Conditions of Employment Ordinance (*L.N.R.*, Cap. 190), as amended by Ordinances Nos. 53 of 1953 and No. 4 and No. 27 of 1955.
 Workmen's Compensation Ordinance (*L.N.R.*, Cap. 188), as amended by Ordinances No. 35 of 1955, No. 7 of 1956 and No. 45 of 1956.
 Factories Ordinance (*L.N.R.*, Cap. 193), as amended by Ordinances No. 58 of 1955 and No. 14 of 1956.
 Factories (Safety) Regulations, as amended up to 1965.
 Mining Ordinance (*L.N.R.*, Cap. 91).
 Apprenticeship Ordinance (*L.N.R.*, Cap. 187), and Regulations made thereunder.

APPENDIX

REPORTS REQUESTED AND REPORTS RECEIVED BY 25 MARCH 1966

(Labour Inspection)

(Article 19 of the Constitution)

States	Reports requested†			Reports received		
	No. of Convention	Nos. of Recommendations	Reports requested	No. of Convention	Nos. of Recommendations	Reports received
Afghanistan	81	81, 82	3	81	81, 82	3
Albania	81	81, 82	3	—	—	—
Algeria	—	81, 82	2	—	81, 82	2
Argentina	—	81, 82	2	—	81, 82	2
Australia	81	81, 82	3	81	81, 82	3
Austria	—	81, 82	2	—	81, 82	2
Belgium	—	81, 82	2	—	81, 82	2
Bolivia	81	81, 82	3	—	—	—
Brazil	—	81, 82	2	—	—	—
Bulgaria	—	81, 82	2	—	81, 82	2
Burma	81	81, 82	3	81	81	2
Burundi	81	81, 82	3	81	81, 82	3
Byelorussia	81	81, 82	3	81	81, 82	3
Cameroon						
Eastern Cameroon	81	81, 82	3	81	81, 82	3
Western Cameroon	—	81, 82	2	—	—	—
Canada	81	81, 82	3	81	81, 82	3
Central African Republic	—	81, 82	2	—	81, 82	2
Ceylon	—	81, 82	2	—	81, 82	2
Chad	81	81, 82	3	—	81	1
Chile	81	81, 82	3	81	81, 82	3
China	—	81, 82	2	—	81, 82	2
Colombia	81	81, 82	3	81	81, 82	3
Congo (Brazzaville)	81	81, 82	3	81	81, 82	3
Congo (Leopoldville)	81	81, 82	3	81	81, 82	3
Costa Rica	—	81, 82	2	—	81, 82	2
Cuba	—	81, 82	2	—	81, 82	2
Cyprus	—	81, 82	2	—	81, 82	2
Czechoslovakia *	81	81, 82	3	81	81, 82	3
Dahomey	81	81, 82	3	81	81, 82	3
Denmark	—	81, 82	2	—	81, 82	2
Dominican Republic	—	81, 82	2	—	—	—
Ecuador	81	81, 82	3	81	81, 82	3
Ethiopia	81	81, 82	3	81	81, 82	3
Finland	—	81, 82	2	—	81, 82	2
France	—	81, 82	2	—	81, 82	2
Gabon	81	81, 82	3	81	81, 82	3
Fed. Rep. of Germany	—	81, 82	2	—	81, 82	2
Ghana	—	81, 82	2	—	81, 82 *	2
Greece	—	81, 82	2	—	—	—
Guatemala	—	81, 82	2	—	81, 82	2
Republic of Guinea	—	81, 82	2	—	—	—
Haiti	—	81, 82	2	—	81, 82	2

† For footnotes see end of table, p. 300.

LABOUR INSPECTION

States	Reports requested			Reports received		
	No. of Convention	Nos. of Recommendations	Reports requested	No. of Convention	Nos. of Recommendations	Reports received
Honduras	81	81, 82	3	—	—	—
Hungary	81	81, 82	3	81	81, 82	3
Iceland	81	81, 82	3	—	—	—
India	—	81, 82	2	—	81, 82	2
Indonesia	81	81, 82	3	—	—	—
Iran	81	81, 82	3	81	81, 82	3
Iraq	—	81, 82	2	—	81, 82	2
Ireland	—	81, 82	2	—	81, 82	2
Israel	—	81, 82	2	—	81, 82	2
Italy	—	81, 82	2	—	81, 82	2
Ivory Coast	81	81, 82	3	81	81, 82	3
Jamaica	—	81, 82	2	—	—	—
Japan	—	81, 82	2	—	81, 82	2
Jordan	81	81, 82	3	81	81, 82	3
Kenya	—	81, 82	2	—	81, 82	2
Kuwait	81	81, 82	3	81	81, 82	3
Laos	81	81, 82	3	81	81, 82	3
Lebanon	—	81, 82	2	—	—	—
Liberia	81	81, 82	3	—	—	—
Libya	81	81, 82	3	81	—	1
Luxembourg	—	81, 82	2	—	81, 82	2
Malagasy Republic	81	81, 82	3	81	—	1
Malawi	—	81, 82	2	—	81, 82	2
Malaysia	—	81, 82	2	—	—	—
States of Malaya	—	81, 82	2	—	81, 82	2
State of Sabah	—	81, 82	2	—	—	—
State of Sarawak	—	81, 82	2	—	81, 82	2
Republic of Mali	—	81, 82	2	—	81, 82	2
Malta	—	81, 82	2	—	81, 82	2
Islamic Rep. of Mauritania	—	81, 82	2	—	81, 82	2
Mexico	81	81, 82	3	81	81, 82	3
Morocco	—	81, 82	2	—	81, 82	2
Netherlands	—	81, 82	2	—	81, 82	2
New Zealand	—	81, 82	2	—	81, 82	2
Nicaragua	81	81, 82	3	—	—	—
Niger	81	81, 82	3	81	81, 82	3
Nigeria	—	81, 82	2	—	81, 82	2
Norway	—	81, 82	2	—	81, 82	2
Pakistan	—	81, 82	2	—	81, 82	2
Panama	—	81, 82	2	—	—	—
Paraguay	81	81, 82	3	—	—	—
Peru	—	81, 82	2	—	81, 82	2
Philippines	81	81, 82	3	81	81, 82	3
Poland	81	81, 82	3	81	81, 82	3
Portugal *	—	81, 82	2	—	81, 82	2
Rumania	81	81, 82	3	81	81, 82	3
Rwanda	81	81, 82	3	81	81, 82	3
El Salvador	81	81, 82	3	—	—	—
Senegal	—	81, 82	2	—	81, 82	2
Sierra Leone	—	81, 82	2	—	81, 82	2
Singapore	—	81, 82	2	—	81, 82	2
Somali Republic						
former Trust Territory of						
Somaliland	81	81, 82	3	—	—	—
former British Somaliland	81	81, 82	3	—	—	—
Republic of South Africa ¹	81	81, 82	3	—	—	—
Spain	—	81, 82	2	—	81, 82	2
Sudan	81	81, 82	3	81	81, 82	3
Sweden	—	81, 82	2	—	81, 82	2

REPORT OF THE COMMITTEE OF EXPERTS

States	Reports requested			Reports received		
	No. of Convention	Nos. of Recommendations	Reports requested	No. of Convention	Nos. of Recommendations	Reports received
Switzerland	—	81, 82	2	—	81, 82	2
Syrian Arab Republic . . .	—	81, 82	2	—	81, 82	2
Tanzania						
Tanganyika	—	81, 82	2	—	81, 82	2
Zanzibar	81	81, 82	3	81	81, 82	3
Thailand	81	81, 82	3	—	—	—
Togo	81	81, 82	3	81	81, 82	3
Trinidad and Tobago . . .	81	81, 82	3	—	—	—
Tunisia	—	81, 82	2	—	81, 82	2
Turkey	—	81, 82	2	—	81, 82	2
Uganda	—	81, 82	2	—	81, 82	2
Ukraine	81	81, 82	3	81	81, 82	3
U.S.S.R.	81	81, 82	3	81	81, 82	3
United Arab Republic . .	—	81, 82	2	—	81, 82	2
United Kingdom	—	81, 82	2	—	81, 82	2
United States	81	81, 82	3	81	81, 82	3
Upper Volta	81	81, 82	3	—	—	—
Uruguay	81	81, 82	3	—	—	—
Venezuela	81	81, 82	3	—	—	—
Viet-Nam	—	81, 82	2	—	—	—
Yemen	81	81, 82	3	—	—	—
Yugoslavia	—	81, 82	2	—	81, 82	2
Zambia	81	81, 82	3	81	81, 82	3
Total . . .	56	120, 120	296	37	90, 88	215

¹ By letter of 17 March 1964, the Republic of South Africa gave notice of its intention to withdraw from membership of the I.L.O. (see article 1 (5) of the Constitution).

Note : A total of 70 reports has also been received in respect of the following non-metropolitan territories: *Australia* (Nauru, New Guinea, Norfolk Island, Papua); *Netherlands* (Surinam); *New Zealand* (Cook Islands and Niue, Tokelau Islands); *United Kingdom* (Aden, Antigua, Bahamas, Barbados*, Basutoland, Bechuanaland, Bermuda, British Honduras, Brunei, 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).

SPECIAL REPORT

Special Report by the Committee of Experts on the Application of Conventions and Recommendations concerning the Measures Taken by the Government of Portugal to Implement the Recommendations of the Commission Appointed under Article 26 of the I.L.O. Constitution to Examine the Observance by Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105)

SPECIAL REPORT

Special Report by the Committee of Experts on the Application of Conventions and Recommendations concerning the Measures Taken by the Government of Portugal to Implement the Recommendations of the Commission Appointed under Article 26 of the I.L.O. Constitution to Examine the Observance by Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105)

1. The Abolition of Forced Labour Convention, 1957 (No. 105), was ratified by Portugal on 23 November 1959, and came into force for Portugal on 23 November 1960. On 25 February 1961 the Government of Ghana filed with the Director-General of the International Labour Office a complaint that it was not satisfied that Portugal was securing the effective observance of the Convention in her African territories of Mozambique, Angola and Guinea, and requested the Governing Body of the International Labour Office "to take appropriate steps, for example, by setting up a Commission of Inquiry to consider the complaint and to report thereon".

2. Following the filing of further particulars by the Government of Ghana and of observations thereon by the Government of Portugal, the Governing Body decided at its 149th Session (June 1961) to refer the complaint to a Commission of Inquiry appointed in accordance with article 26 of the Constitution of the International Labour Organisation. The Commission was composed of Mr. Paul Ruegger (Switzerland), Chairman, Mr. Enrique Armand-Ugon (Uruguay) and Mr. Isaac Forster (Senegal). At the outset of their work the members of the Commission made a solemn declaration, corresponding to that made by judges of the International Court of Justice, that they would perform their duties and exercise their powers honourably, faithfully, impartially and conscientiously.

3. After considering further written statements submitted by the parties to the complaint, by certain other governments and by a number of non-governmental organisations, the Commission of Inquiry proceeded to the hearing of witnesses in Geneva in September 1961. In addition to witnesses produced by the Government of Ghana and at the request of a non-governmental organisation, the Commission heard a number of witnesses whose attendance the Commission had requested the Portuguese Government to arrange, by reason of their holding positions involving responsibility for matters on which allegations had been made. In December 1961 the Commission visited Angola and Mozambique, in accordance with a programme which it had itself established. In the course of visits to workplaces in various branches of activity, as well as to areas of recruitment, the members of the Commission were able to question a large number of African workers, as well as directors, personnel managers, recruiters, and other staff of undertakings, and to speak to public officials, traditional chiefs and trade union representatives.

4. The Commission of Inquiry presented its report on 21 February 1962.¹ In this report the Commission set out its findings of fact and, in respect of matters concerning which it did not regard the situation as fully satisfactory, made recommendations

¹ I.L.O.: *Official Bulletin*, Vol. XLV, No. 2 (Apr. 1962), Supplement II, hereafter referred to as "Report of the Commission of Inquiry".

for remedial action. The Commission emphasised that it had throughout its consideration of the case borne in mind the judicial nature of the procedure provided for in the I.L.O. Constitution.

5. The report of the Commission of Inquiry was noted by the Governing Body at its 151st Session (March 1962). At that session the parties to the complaint indicated that they accepted the Commission's findings and recommendations.¹

6. The Commission of Inquiry recommended, *inter alia*, that Portugal should indicate regularly in its reports under article 22 of the I.L.O. Constitution on the application of the Abolition of Forced Labour Convention, 1957, the action taken to give effect to the Commission's recommendations.² The Committee of Experts has requested the Government to supply detailed reports on the application of this Convention every year, which the Government has done.³ In observations published in its reports, the Committee of Experts has analysed the information so supplied, noting any action taken to implement the recommendations of the Commission of Inquiry and drawing attention to matters arising out of the report of the Commission of Inquiry in respect of which further action or information appeared necessary.

7. The measures taken by the Portuguese Government to implement the recommendations of the Commission of Inquiry have also been the subject of discussion every year in the Conference Committee on the Application of Conventions and Recommendations. In addition, at its 49th Session in 1965, on a proposal emanating from its Resolutions Committee, the Conference adopted a resolution in which, *inter alia*, it requested the Government of Portugal "to give effect without further delay to the recommendations of the 1962 Commission of Inquiry of the Governing Body, particularly in so far as they related to forced labour practices and the sequels of forced labour". This resolution also requested the Director-General and the Governing Body of the International Labour Office to keep the matter under review and to take appropriate measures to ensure that these recommendations were or should be implemented. Accordingly, at its 163rd Session (November 1965) the Governing Body requested the Government of Portugal to communicate to the Director-General by 1 February 1966 full information on the measures taken to give effect to the recommendations of the Commission of Inquiry, and it requested the Committee of Experts to make a special examination at its 1966 session of the extent to which these recommendations had been implemented and to report thereon.

8. In response to the request made by the Governing Body the Portuguese Government on 17 January 1966 communicated to the Director-General of the International Labour Office a statement concerning the measures taken to give effect to the recommendations of the Commission of Inquiry. The text of the Government's statement is appended to this report. In addition, the Government has also supplied the report on the application of the Convention due under article 22 of the Constitution, in which it has replied in detail to the points raised in the Committee of Experts' observations of 1965.

9. The Committee of Experts is not called upon to go into the various elements of facts and law upon which the Commission of Inquiry based its findings: these findings were accepted by the parties to the complaint and the right of appeal to the International Court of Justice available to the parties under the I.L.O. Constitu-

¹ See *Minutes of the 151st Session of the Governing Body* (Mar. 1962), pp. 13-18.

² Report of the Commission of Inquiry, para. 778.

³ The information contained in these reports has been summarised in the *Summary of Reports on Ratified Conventions*, presented to the Conference each year as Report III (Part I).

tion was not exercised. The task entrusted to the Committee of Experts by the Governing Body is a specific one, namely to examine and report on the extent to which the recommendations of the Commission of Inquiry have been implemented. Accordingly, an analysis will be made below of the matters in respect of which the Commission of Inquiry considered further action to be necessary, with an indication in each case of the measures which have been taken to implement the Commission's recommendations. This analysis is based on the information supplied by the Government in its reports, in the special statement of 17 January 1966, and at the Conference, as well as on an examination of the relevant legislation and other available documentation. The subjects so analysed are: (a) elimination of discrepancies between the provisions of the Native Labour Code, 1928, and the Convention; (b) recruitment for the Labour and Economic Recovery Corps of Angola; (c) the publication of all legislative and other provisions concerning or affecting labour matters; (d) recruitment of labour for the Diamond Company of Angola; (e) recruitment of labour for publicly owned railways and ports in Angola; (f) recruitment of labour for road construction and maintenance; (g) recruitment of labour for the Cassequel Agricultural Company, Angola; (h) penal sanctions in regard to workers from Portuguese territory employed in the Republic of South Africa; (i) cotton cultivation; (j) taxation; (k) application of vagrancy laws; (l) labour inspection; and (m) employment services.

A. ELIMINATION OF DISCREPANCIES BETWEEN THE PROVISIONS OF THE NATIVE LABOUR CODE, 1928, AND THE CONVENTION

10. The Commission of Inquiry found that substantial changes had been made in Portuguese legislation and practice since 23 November 1960, the date of entry into force of the Convention for Portugal, the general effect of which had been to provide new administrative machinery for the enforcement of labour legislation, to abolish the previous special status of natives, to modify or abolish arrangements concerning the cultivation of cotton, rice and castor oil which had been alleged to involve an element or danger of forced labour, and to terminate systems of recruitment of workers through the administrative authorities which had continued to exist in certain cases after 23 November 1960.¹ The Commission nevertheless found that there continued to be certain legislative anomalies which would, if they continued to be reflected in current practice, be inconsistent with the obligations of the Convention.² It accordingly recommended the express repeal of the following provisions³:

- (a) the provisions relating to the moral obligation to work contained in sections 3, 4 and 299 of the Native Labour Code, 1928, and any provisions on the same matter contained in regulations or instruments issued in the territories concerned;
- (b) the provisions authorising compulsory recruitment for public works through the administrative authorities contained in sections 84 to 86, 296 (1) and 299 of the Native Labour Code, 1928, as well as the further provisions on this matter which had been issued in the territories concerned;
- (c) the provisions concerning facilities to be provided by the authorities to recruiters for private employers contained in sections 36, 37 and 329 (sole subsection) of the Native Labour Code, 1928, and of all regulations, orders, instructions or decisions which might have been issued in this respect in the territories concerned;

¹ Report of the Commission of Inquiry, paras. 727 and 728.

² Ibid., para. 729.

³ Ibid., paras. 730-734.

- (d) the provisions authorising compulsory cultivation still contained in section 296 (3) (e) of the Native Labour Code, 1928, and any corresponding territorial regulations;
- (e) all provisions under which measures to compel workers to perform contracts into which they had entered voluntarily were not considered to constitute forced labour, namely sections 300 and 329 (sole subsection) of the Native Labour Code, 1928, and any corresponding territorial provisions.

11. In addition, the Commission of Inquiry recommended that, if any provisions concerning the exaction of labour for certain works of local interest (such as those contained in section 296 (3) (a) to (d) of the Native Labour Code, 1928) were maintained, they should be made subject to safeguards to ensure the strict limitation of such labour to minor communal services, to the exclusion of public works of more general scope.¹

12. A new "Rural Labour Code"² for the provinces of Cape Verde, Guinea, San Tomé and Príncipe, Angola, Mozambique and Timor was approved by Decree No. 44309 of 27 April 1962³ and came into force on 1 October 1962. Section 3 of this decree repealed the Native Labour Code of 1928, the provincial regulations made thereunder, the regulations, orders and other texts adopted in pursuance thereof in each of the provinces to which the Rural Labour Code was to apply, and all instructions or other statutory provisions inconsistent with the new Code. The Code of 1962 contains no provisions corresponding or similar to those mentioned in the Commission's recommendations enumerated above. It provides expressly (section 325) that any person who imposes compulsory labour on a worker shall be liable to imprisonment for up to two years. The Committee of Experts noted the effect of the new legislation in its report of 1963.

13. It would thus appear that the recommendations mentioned above concerning the elimination of anomalies contained in the previous Code of 1928 and texts issued in pursuance of that Code were implemented, with effect from 1 October 1962.

14. Further confirmation of the Government's policy in this regard was provided by certain measures taken on the occasion of the revision of the Organic Act for Overseas Portugal in 1963. While the Commission of Inquiry directed its recommendations on the above matters to the specific legislative provisions contained in the earlier Labour Code and instruments issued pursuant to it, it had noted that this legislation gave expression to certain general principles concerning native labour laid down in the Portuguese Constitution and the Organic Act for Overseas Portugal.⁴ These principles stated, *inter alia*, that "the State may only compel natives to work on public works of general interest to the community, in occupations the results of which belong to them, in execution of judicial decisions of a penal nature, and in discharge of fiscal obligations". When the Organic Act for Overseas Portugal was revised in 1963, the provision laying down these principles concerning native labour was repealed.⁵

¹ Report of the Commission of Inquiry, para. 734 (c).

² Although entitled "Rural Labour Code", the Code in fact applies to unskilled manual workers, in whatever sector they may be employed—see section 3 of the Code.

³ *Diário do Governo*, 1st Series, No. 95, 27 Apr. 1962. The Code has been published in I.L.O.: *Legislative Series*, 1962—Por. 1.

⁴ Report of the Commission of Inquiry, para. 204.

⁵ Act No. 2119 of 24 June 1963, section 3, repealing Base LXXXVI of the Organic Act for Overseas Portugal (*Diário do Governo*, 1st Series, No. 147, 24 June 1963).

B. RECRUITMENT FOR THE LABOUR AND ECONOMIC RECOVERY CORPS OF ANGOLA

15. The Commission of Inquiry had noted that Ministerial Legislative Instrument No. 24 of 9 May 1961 had established a Labour and Economic Recovery Corps in Angola to co-operate in restoring normal economic conditions in regions affected by unrest, and that the members of this Corps were to be recruited under the provisions governing call-up for military service. The Commission noted that this legislation had been adopted as an emergency measure.¹ In its observations of 1962 the Committee of Experts requested the Government to supply full particulars of the practical application of the instrument in question. The following year it noted the Portuguese Government's statement that in practice the workers enlisted in the Labour and Economic Recovery Corps had been recruited without any compulsion and that the early repeal of Ministerial Legislative Instrument No. 24 of 1961 was then contemplated. This repeal was effected by Decree No. 46251 of 19 March 1965.² Any difficulties which might have arisen in relation to the Convention from the continuation in force of legislation originally enacted as an emergency measure have therefore been obviated.

C. PUBLICATION OF ALL LEGISLATIVE AND OTHER PROVISIONS CONCERNING OR AFFECTING LABOUR MATTERS

16. The Commission of Inquiry noted that on a number of occasions regulations concerning or affecting labour matters had taken the form of confidential, unpublished circulars, some of which it appeared difficult to reconcile with the applicable constitutional provisions and legislation. It recommended that all regulations relating to the recruitment of labour or bearing on the application of the Abolition of Forced Labour Convention, 1957, should be published and made available to all interested parties.³

17. In reply to requests by the Committee of Experts the Government appended to its report for 1962-63 copies of a decision and an order issued in Angola with reference to the Rural Labour Code (both of which had been published in the *Official Bulletin*); with its report for 1963-64 the Government supplied a document prepared by the Labour, Social Security and Social Welfare Institute of Angola for use by workers, employers, corporative bodies, the courts and its own officials, consisting of a systematic compilation of a large number of circulars, instructions, decisions and standards issued by this Institute. Labour legislation is also published regularly in the quarterly bulletin of the Angola Labour, Social Security and Social Welfare Institute (*Trabalho*); a loose-leaf index of labour legislation is also issued with this bulletin. There is no indication of similar measures of general publicity in Mozambique or Portuguese Guinea. As regards Mozambique, the report for 1962-63 mentioned a legislative instrument and an order (both of which had been published in the *Official Bulletin*); a circular of 24 October 1962, to clarify certain provisions of the Rural Labour Code, was mentioned in the same report, but a copy thereof has not yet been supplied. In its report for 1963-64 the Portuguese Government stated that no confidential circulars were used to issue regulations under the Rural Labour Code or other basic labour laws, or to amend existing legislative provisions.

18. According to the indications supplied by the Government of Portugal, it would thus appear that the recommendation made by the Commission of Inquiry

¹ Report of the Commission of Inquiry, paras. 263 and 735.

² *Diário do Governo*, 1st Series, No. 66, 19 Mar. 1965.

³ Report of the Commission of Inquiry, para. 736.

relating to the publication of legislative and other provisions concerning or affecting labour matters has been implemented; particularly active measures to give publicity to such provisions have been taken in Angola.

D. RECRUITMENT OF LABOUR FOR THE DIAMOND COMPANY OF ANGOLA

19. The Commission of Inquiry found that the Diamond Company of Angola had continued, after 23 November 1960, to recruit labour through administrative officials and traditional chiefs in a manner liable to involve compulsion and therefore to constitute forced labour, but that the practice had been changed by a decision of the Governor-General of Angola of July 1961, supplemented by a decision of the Governor of the District of Lunda of 28 October 1961, directing the Company to establish its own system of recruiting without recourse to the administrative authorities. The Commission of Inquiry recommended that the Government should examine the position further, 12 months from the decision of the Governor-General, to ensure that it had been fully carried out.¹

20. The Government appended to its report on the application of the Convention for the period 1961-62 a report from the Governor of the District of Lunda stating that the Diamond Company had immediately complied with his decision of 28 October 1961, indicating the areas for which the Diamond Company had appointed recruiting agents and the places at which it had set up recruiting offices (at three of which it was putting up permanent buildings to accommodate workers in transit), and stating in conclusion that, since the entry into force of the above-mentioned decision, there had been no intervention by the administrative authorities in recruiting of labour for the Diamond Company.

21. The Commission of Inquiry had noted that, under a government order reserving the labour of the District of Lunda for undertakings operating there, the Diamond Company of Angola, being the only large undertaking in the district, in practice enjoyed a labour monopoly in its area of operation.² With its report for 1963-64 the Portuguese Government supplied a copy of a decision taken by the Governor-General of Angola on 13 July 1963, and published in the *Official Bulletin* on 23 May 1964, stating that freedom of recruiting in the Province depended on the strict observance of the Rural Labour Code and that, since the entry into force of the Code, recruiting for employment outside the District of Lunda was freely permitted, any provisions to the contrary having been tacitly repealed. Accordingly, the previous privileged position of the Diamond Company as regards the use of the manpower in its area of operations has terminated. In its report for 1964-65 the Government stated that 1,067 workers from Lunda had been employed outside the district in 1964.

22. In the observations made by the Committee of Experts from 1963 to 1965 it asked for various particulars concerning the nature and extent of the Diamond Company's recruiting operations, labour inspection in this regard, and measures taken by the Company with a view to replacing recruited labour by labour offering itself spontaneously. In doing so the Committee referred to two statements made by representatives of the Company to the Commission of Inquiry: (a) that, under the system of recruiting directly by the Company without official participation, which had been introduced in 1961, workers were being obtained from the traditional

¹ Report of the Commission of Inquiry, para. 738.

² Ibid., para. 520.

chiefs (*sobas*)¹, and (b) that the Company had decided to replace recruited labour by labour offering itself spontaneously at the workplace, by making conditions of employment more attractive.²

23. As regards the nature of the recruiting operations undertaken by the Diamond Company, the Government stated, in its report for 1962-63, that workers recruited by the Company were not obtained through the traditional chiefs (*sobas*) and, in its report for 1963-64, that no special measures had been necessary to bring about this situation, which resulted merely from observance of the law. The Committee of Experts, in its observations of 1964 and 1965, asked for information concerning the Diamond Company's present recruiting arrangements and the activities of the labour inspectorate in supervising the observance of the provisions of the Rural Labour Code in the Company's recruiting operations. The Committee observed in 1965: "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." In its report for 1964-65 the Government stated that, for the engagement of workers other than those who offered their services at the Company's offices, employees of the Diamond Company toured the Lunda and Malanje areas, offering employment for a specified period (usually 12 months), subject to conditions prescribed by law. Written contracts were concluded and attested by the local office of the Labour Institute, which checked that the contracts satisfied legal requirements and had been entered into by the worker of his free will and without any direct or indirect coercion. In addition to this direct supervision of recruiting operations, visits were made by labour inspectors to the Company and the areas where labour was normally available: in 1963 there had been two routine inspections, in 1964 a recruitment area had been visited by a labour inspector and by the Chief of the Labour Department, and there had been a lengthy visit by the President of the Labour Institute himself. According to particulars supplied with the Government's report for 1963-64, in 1963—when the Diamond Company had employed professional recruiters instead of its normal practice of recruiting through its own employees—it had been fined, under section 327 of the Rural Labour Code, for recruiting 92 workers more than the 9,000 authorised by the recruiting licence. According to the Government's report for 1964-65 the various inspections had not shown any serious shortcomings in the Company's recruiting operations; some small shortcomings, particularly as regards accommodation in transit camps, had quickly been remedied. The Government has stated that there is no evidence that the traditional authorities (chiefs) intervene in any manner whatsoever in the recruiting of workers for the Diamond Company or any other employer, this having been checked during the inspections which have been carried out.

24. As regards measures by the Diamond Company designed progressively to replace recruited labour by labour offering its services spontaneously, the Government has supplied information about improvements in the conditions of employment and statistics concerning the extent of recruiting and the composition of the Company's labour force. As regards conditions of employment, the Government gave

¹ Report of the Commission of Inquiry, para. 524.

² Ibid., para. 525.

particulars in its report for 1963-64 of general wage increases granted by the Diamond Company in 1964. For example, the monthly cash wage of unskilled adult workers, which had been 180 escudos since 1961, was raised to 260 escudos (in addition to which workers were entitled to food, lodging, medical care and clothing). In the previous report the Government supplied statistics of benefits in kind, health, welfare and social facilities, etc., provided by the Diamond Company to its workers. As regards the effect of the measures so far taken on the extent of recruiting, the available figures do not show any clear and consistent trend. According to tables appended to the Government's report for 1963-64, the numbers of workers recruited for the Diamond Company in recent years had been: 1960—5,513; 1961—6,141; 1962—4,738; 1963—9,092. The numbers of workers with written contracts employed by the Company in the years 1960 to 1963 and the Company's total labour force (comprising workers with written contracts and spontaneous labour engaged under oral contracts) were given as follows:

Year	Contract workers	Total workers
1960	8,455	24,866
1961	8,844	27,549
1962	8,093	26,669
1963	9,092	28,560

In the same report the Government stated that the fact that a worker had a written contract did not necessarily signify that he had been recruited, since frequently written contracts were concluded with workers who presented themselves at the workplace if they came from outside the area. In its report for 1964-65 the Government gave figures of workers recruited by the Diamond Company from outside its area of operation, showing a decline in the period 1960 to 1964 from 8,365 to 7,596, that is, from 33.81 per cent. to 29.88 per cent. of the total work force.

25. In its report for 1964-65 the Portuguese Government gave certain general indications concerning the factors which for the time being made it necessary to maintain a system of recruiting workers. These will be considered in Section M below. With specific reference to the Diamond Company of Angola, the Government indicated that there was normally no difficulty in finding labour locally for skilled and semi-skilled work or for employment as guards or domestic servants, but that it was not easy to find workers locally who were willing to be employed in arduous or heavy work, which for a number of reasons, which the Government believed to be universal, immigrant workers were always willing to take on.

26. These considerations are clearly apposite in cases of migration of labour from poor or economically depressed countries or regions to more prosperous countries or areas. It is, however, not clear whether differences of this nature are to be found as between the Diamond Company's area of operation and its areas of recruitment. If labour does not come forward spontaneously for what, according to the Government, is the toughest and at the same time the least well paid work, but is yet sought by a process of recruiting, it appears necessary to enhance significantly the material inducements to attract labour for this kind of work. Otherwise, it will be difficult to realise the aim of replacing recruited by spontaneous labour which, according to the statements made to the Commission of Inquiry in 1961 by representatives of the Company, the latter had set itself. The bearing of this situation on the implementation of the Commission of Inquiry's recommendations regarding action in the field of manpower policy will be considered in Section M below.

E. RECRUITMENT OF LABOUR FOR PUBLICLY OWNED RAILWAYS AND PORTS IN ANGOLA

27. The Commission of Inquiry reached different findings concerning the privately owned Benguela Railway Company and the publicly owned railways and ports in Angola. The Commission wholly exonerated the Benguela Railway Company from the charge of forced labour, was fully satisfied that no recruited labour was then employed by the Company, and found no evidence of any violation of the Abolition of Forced Labour Convention on this Railway.¹ On the other hand, the Commission found that the publicly owned railways and ports in Angola had continued after 23 November 1960 to recruit labour through administrative officers and chiefs in a manner inconsistent with the requirements of the Abolition of Forced Labour Convention, 1957, and that virtually all of the unskilled labour employed in the ports of Luanda and Lobito and the unskilled labour employed by the Luanda railroad at the time of its visit had been so recruited and remained in employment contrary to their wishes. The Commission noted that instructions had been issued in August 1961 that administrative officers and chiefs should take no further part in the recruitment of labour for the ports and railways. It recommended that effective measures be taken to ensure that these instructions were strictly enforced, that employment in the ports and railways should be sufficiently attractive to attract labour, that adequate arrangements be made for making the employment available known to potential workers and providing proper transport and better accommodation, and that all workers then employed who desired to be released should be promptly replaced by voluntary labour.²

28. In its report for 1962-63 the Portuguese Government referred to the provisions of the Rural Labour Code governing recruiting of workers, particularly recruiting for the public services. It stated that recruitment for public undertakings and services was being carried out in accordance with the provisions of the Code, which had to be strictly observed; this implied the principle of progressive elimination of recruiting. The Government stated that, in the ports and on the railways, conditions of employment were based on free and voluntarily accepted work. In its report for 1963-64 the Government stated that, with the exception of the ports and railways, the public services generally did not use recruited labour, that strict instructions had been given to reduce further the number of recruited workers by using spontaneously offered labour, but that in certain areas difficulties arose owing to sparseness of population.

29. In its report for 1964-65, in response to a request by the Committee of Experts for more precise particulars of the effect given to the recommendations of the Commission of Inquiry, the Government supplied detailed information on the composition of the labour force, the methods of engaging labour, and the wage rates of the Luanda Port and Railway Authority, the Lobito Port and Benguela Railway Supervisory Authority, and the Moçâmedes Port and Railway Authority, as well as the conclusions of a recent labour inspection visit to the Moçâmedes Railway. As regards the composition of the labour force of these public services, figures were given for the years 1961 to 1965 showing the evolution in the numbers of permanent workers recruited from outside the area of employment and the numbers of casual workers engaged directly at the place of employment. In summary form, the picture which emerges from these statistics is the following:

¹ Report of the Commission of Inquiry, para. 737.

² *Ibid.*, para. 741.

Luanda Port. From 1961 to 1965 the number of permanent (recruited) workers (at 30 June each year) declined from 1,037 to 661. The employment of casual (spontaneous) labour began only in 1962; by 30 June 1965, 666 such workers were employed.

Luanda Railway. From 30 June 1961 to the same date in 1962 the number of permanent (recruited) workers dropped from 1,169 to 746, but subsequently it increased again to more or less the earlier level (varying from 1,000 to 1,150). The number of casual (spontaneous) workers declined between 1961 and 1965 from 415 to 269.

Lobito Port and Benguela Railway Supervisory Authority. From 1961 to 1965 the number of contract (recruited) workers (at 30 June each year) declined from 1,011 to 300, whereas the number of casual workers engaged locally increased from 290 to 1,054.

Moçâmedes Port. In 1961, 204 recruited workers were employed. Since 1962 solely casual (spontaneous) labour has been employed.

Moçâmedes Railway. In 1961, 378 recruited workers were employed; the number declined in 1962 and 1963, and in 1964 and 1965 no workers were recruited. The number of casual (spontaneous) workers increased from 648 in 1961 to 1,119 in 1965.

30. It would thus appear that, in the four years following the issue in 1961 of instructions to discontinue the recruiting of labour for public services through administrative officers and chiefs, there has been considerable progress in implementing the policy aimed at replacing recruited labour by labour offering its services spontaneously. The Moçâmedes port and railway have ceased recruiting. The number of recruited workers employed has fallen by 70 per cent. in the port of Lobito, and by over 35 per cent. in the port of Luanda. There has been a corresponding rise in the volume of spontaneous labour employed. Only in the case of the Luanda railway has there been no marked change in the situation. According to the Government, the reasons for the failure to attract more casual workers in this case include the irregular working hours made necessary by traffic needs and the presence in certain areas near the railway of coffee plantations, where employment is preferred. In all cases where recruiting by publicly owned railways and ports still takes place, the Government has indicated that it is undertaken directly by employees of the Authority concerned. In general, the changes in the composition of the labour force of the undertakings concerned since 1961 would seem to confirm that the instructions issued that year concerning their methods of recruitment have been implemented.

F. RECRUITMENT OF LABOUR FOR ROAD CONSTRUCTION AND MAINTENANCE

31. The Commission of Inquiry expressed no final view concerning the extent to which forced labour might have been used for road construction and maintenance. In one case in Mozambique the Commission found that a contractor was employing labour recruited through the authorities in violation of the provisions of the Convention; it was subsequently informed that the Government had taken measures for the prosecution of those responsible for this violation. In the Diamond Company concession in Angola the Commission was satisfied that the road gangs consisted of voluntary labour. The Commission recommended that the whole matter should receive further close attention by the authorities and that steps which still might be

necessary to eliminate any remaining cases of recourse to forced labour for these purposes should be taken.¹

32. As noted in paragraphs 10 to 13 above, the statutory authority to exact compulsory labour for public works previously contained in the Native Labour Code of 1928 was abolished with the repeal of that Code on 1 October 1962 by the decree approving the Rural Labour Code. As regards the arrangements in force for execution of road works, the Portuguese Government has supplied the following additional information in its reports.

33. The Government indicated in its report for 1962-63 that in Angola responsibility for road construction and maintenance was vested in the Roads Board; in the case of work carried out by contractors there were more applicants for work than vacancies, because of the good conditions of work and pay; the Roads Board was constantly acquiring new machinery, thus enabling it to pay better wages. With the following report, the Government supplied a copy of Legislative Instrument No. 3328 of 31 December 1962, approving the constitution of the Angola Roads Board. In its report for 1964-65 the Government stated that the Roads Board's rules of operation had been approved and were already being applied; a copy of these rules would be sent to the I.L.O. as soon as they had been published. Pending this, the Government set out in its report extracts from the rules dealing with the grading and remuneration of the Board's workers. The Government stated in its report that the Angola Roads Board did not recruit workers, because the offer of labour exceeded its manpower requirements.

34. As regards Mozambique, the Portuguese Government's report for 1962-63 stated that all road construction was undertaken by contractors, who were left to engage their own labour, while maintenance work was done by the Directorate of Public Works and Transport with labour engaged on an entirely free basis. This report also stated that the labour tax which could be exacted for construction, repairs, etc., of third-class roads and local paths under section 617 of the Overseas Administrative Reform and Order No. 4963 of 1942 (mentioned in paragraphs 254 and 255 of the Commission's report) had been replaced under Legislative Instrument No. 2186 of 30 December 1961 by an increase in the household tax, payable in cash.

35. As regards labour for road construction and maintenance in Portuguese Guinea, the Government's report for 1962-63 referred to the evidence given before the Commission of Inquiry.²

36. It would thus appear, on the one hand, that the earlier legislative provisions permitting exaction of labour for public works in general and for local road works in Mozambique have been repealed since the Commission of Inquiry reported and, on the other hand, that, according to the Government, labour for road construction and maintenance is engaged on a free basis. It appears in particular, from the detailed information supplied by the Government concerning the situation in Angola, that the Angola Roads Board relies exclusively on workers offering their services spontaneously.

¹ Report of the Commission of Inquiry, para. 744.

² The Heads of the Civil Affairs and Public Works Departments of Portuguese Guinea stated before the Commission of Inquiry that recourse was not had there to compulsory labour for public works under the provision of the former Native Labour Code authorising it, there being sufficient voluntary labour (Report of the Commission of Inquiry, para. 373).

G. RECRUITMENT OF LABOUR FOR THE CASSEQUEL AGRICULTURAL COMPANY, ANGOLA

37. The Commission of Inquiry stated that it was entirely dissatisfied with its visit to the Cassequel Sugar Plantations, and recorded its view that the management of the plantation had been less than frank with it, and that it had had no real opportunity of reaching a conclusion on the question whether the recruiting methods of the plantation were above reproach. The Commission recommended that a further thorough examination of the recruitment methods of the Cassequel Plantations should be made by the Government.¹

38. The Portuguese Government appended to its report for 1962-63 a statement by the Cassequel Company in answer to the comments made by the Commission of Inquiry and a report on an inspection visit to the Company's plantations made by the Chief Labour Inspector of Angola in September 1962. The Company's statement gave particulars of its labour force, the number of recruited workers, the nature of the recruiting operations, etc., and stated that the Company neither directly nor indirectly used methods of recruiting which would be contrary to Portuguese legislation or to the Abolition of Forced Labour Convention. The report of the Chief Labour Inspector dealt in detail with the Commission's observations. After describing the scope and method of his inquiry, the Chief Labour Inspector considered a series of questions arising out of the matter; he came to the conclusion that there was no forced labour on the plantation, and that the methods of recruitment were in conformity with the provisions of the Native Labour Code (then still in force). In its report for 1962-63 the Government set out the report on a further inspection of the plantations, made on 10 June 1963, which also concluded that there was no forced labour. The Government's report for 1963-64 mentioned a further inspection, in 1964, with the same result. The Government appended to this report a table drawn up by the Labour, Social Security and Social Welfare Institute of Angola giving particulars of workers recruited in the years 1957-64, the rate of cash wages and the value of benefits in kind. It appears from the table that in 1963 and 1964 the Company had been authorised to use the services of professional recruiters, whereas previously it had recruited only through its own employees. According to the Government, this table showed that the Company was using fewer recruited workers every year, thus proving its good conditions of work.

39. In 1965 the Committee of Experts repeated a request, already made in 1964, for information on the arrangements currently in force for engaging the Cassequel Company's labour (in particular, as regards recruiting procedures). The Committee of Experts noted from the figures supplied with the Government's report for 1963-64 that, while there had been some fluctuation in the annual volume of recruitment by the Cassequel Company, the number of workers recruited in 1963 (2,663) was greater than in various earlier years (e.g. in 1958 and 1960—2,097 and 2,440 respectively). The Committee of Experts also noted that, during the period of six years (1958 to 1964) for which the Government had supplied figures, no increase had taken place in the cash wage (200 escudos) paid to recruited workers. In the light of these facts the Committee of Experts inquired whether consideration had been given by the Cassequel Company to the adoption of the policy followed by certain other employers of progressively eliminating recruiting through exclusive reliance on spontaneously offered labour. The Committee observed that such a policy would appear to commend itself particularly in the present case, since the populations in the areas neighbouring

¹ Report of the Commission of Inquiry, para. 749.

the Company's plantations were considerable and the workers recruited by it in fact came from quite short distances.

40. In answer to these observations, the Government in its report for 1964-65 indicated that the Cassequel Agricultural Company obtained its labour by taking on workers who applied at the place of employment, under oral contracts, and by recruiting the remainder in their areas of origin, under written contracts. It gave figures of the composition of the Company's labour force from 1958 to 1964, which showed a relatively steady total volume of employment (between 4,000 and 5,000) and no clear trend to a reduction of recruiting (the number of recruited workers fluctuating between 2,000 and 3,000). The report stated that, since the issue of the Rural Labour Code and subsidiary provisions, there had been a marked improvement in the benefits in kind provided to the Company's workers, owing to the more extensive and better benefits required by the new legislation and its more effective enforcement by the labour inspectorate. As regards cash wages, the Company claimed that in the previous three years there had been increases of from 50 to 120 escudos, but particulars of the wage rates currently in force have not been provided (according to the statement of the Labour, Social Security and Social Welfare Institute appended to the previous report, cash wages had remained unchanged at 200 escudos from 1958 to 1964). The Company also stated that, in addition to the monthly cash wage, it paid a gratuity of 700 escudos to each worker on the signing of the contract. It indicated that it was attempting to engage as much labour as possible under oral contracts and, to this end, had established a network of direct contacts in various areas. However, the Company's plantations were in an area which had never been thickly populated, there was a considerable number of other major undertakings in the Benguela District competing for labour, and part of the local population were farmers and fishermen who preferred working on their own account to taking wage-earning employment. The Company accordingly recruited workers from various areas (over two-thirds from places more than 250 km. away).

41. It would thus appear that the specific action recommended by the Commission of Inquiry—the carrying out of a thorough examination of the recruitment methods of the Cassequel Plantations—was duly taken, and that the conclusion was reached that the Company did not use forced labour and that its methods of recruitment conformed to the statutory requirements. As regards the wider question of the progressive replacement of recruited labour by spontaneous labour, no significant changes have occurred in recent years; moreover, recourse to professional recruiters was authorised in recent years, in contrast to the earlier practice of direct recruiting through employees of the Company. The bearing of this situation upon the implementation of the Commission of Inquiry's recommendations regarding action in the field of manpower policy will be considered in Section M below.

H. PENAL SANCTIONS IN REGARD TO WORKERS FROM PORTUGUESE TERRITORY EMPLOYED IN THE REPUBLIC OF SOUTH AFRICA

42. The Commission of Inquiry found that there was no element of compulsion under Portuguese jurisdiction and no element of fraud in the recruitment of labour in Mozambique for South Africa. The Commission however expressed its concern at the evidence which had been submitted to it and not contested that labour recruited in Mozambique without any element of compulsion was subject while in South Africa to the penal sanctions for breach of contract provided for in South African legislation. It was given to understand that, when such cases occurred, the Portuguese curator of migrant workers in South Africa normally intervened. The Commission

of Inquiry recognised that Portugal might not have any obligation to do more than this in respect of happenings beyond its jurisdiction which could occur only in the event of failure to carry out a contract freely entered into, and therefore refrained from making any formal recommendation in the matter. The Commission nevertheless considered that Portugal, being a party to the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955, should discuss further with the Republic of South Africa the propriety of applying penal sanctions for breach of contracts of employment to persons recruited in Mozambique, a territory for which the Abolition of Penal Sanctions Convention was in force.¹

43. At the Conference in 1965 the representative of the Portuguese Government indicated that the position of workers going to work in South Africa had been the subject of new agreements concluded between Portugal and the Republic of South Africa on 13 October 1964 and 3 May 1965.² In the statement communicated by the Portuguese Government in January 1966 concerning the implementation of the recommendations of the Commission of Inquiry, it was indicated that the new agreements had been ratified on 13 October 1965, and that the arrangements provided for in them avoided the application of penal sanctions, because if a worker left his job he was repatriated to his place of residence. The action taken would thus fully meet the suggestion made by the Commission of Inquiry. However, copies of the provisions in question have not yet been supplied, nor is it known whether the agreements have yet come into force.

I. COTTON CULTIVATION

44. The Commission of Inquiry found that, during the period from 23 November 1960 to 2 May 1961, arrangements for cotton cultivation which might have involved a danger of forced labour remained in force, but that substantial changes had been made in the position by reforms of 2 May 1961 and that further reforms were under consideration. The Commission suggested that, in its examination of the further reforms to be made, the Government should consider the possibility of envisaging arrangements, such as co-operatives, to ensure that the system of marketing and processing of cotton did not in practice involve a danger of constraint to the detriment of producers.³

45. The Committee of Experts noted in 1964 and 1965 the following developments in this matter:

- (a) By Legislative Decree No. 45179 of 5 August 1963⁴ provision was made for the expiration of all existing cotton concessions not later than 31 August 1966. The decree made the provincial Cotton Institutes responsible for the promotion, co-ordination and supervision of cotton-growing and related activities, including technical and financial assistance to cotton growers (thus transferring to them functions previously discharged by concession-holders), abolished exclusive rights of purchase of cotton, and replaced the system of fixed prices to producers by one of minimum prices.
- (b) By Order No. 12982 of 16 November 1963⁵ the concession of the Cotton Company of Angola (the largest concession-holder in Angola, which the Com-

¹ Report of the Commission of Inquiry, paras. 745-746.

² I.L.O.: *Record of Proceedings*, International Labour Conference, 49th Session, Geneva, 1965 (Geneva, 1965), p. 464.

³ Report of the Commission of Inquiry, para. 750.

⁴ *Diário do Governo*, 1st Series, No. 183, 5 Aug. 1963.

⁵ *Boletim Oficial*, 1st Series, No. 46, 16 Nov. 1963.

mission of Inquiry had visited) was terminated, at the Company's request, with effect from 19 December 1963.

- (c) In its report for 1963-64 the Government stated that in Angola there no longer existed any concession in respect of cotton cultivation, and that in Mozambique nine out of the 11 concession-holders had requested the termination of their concession (the remaining two accounting for not more than 10 per cent. of the cotton production of Mozambique).
- (d) Decree No. 45550 of 30 January 1964¹ approved regulations for the production and marketing of cotton, containing a series of provisions intended further to liberalise the marketing of cotton. These regulations provided, *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. The Cotton Institutes were authorised to buy cotton if there were no purchasers in a particular region (so as to guarantee minimum prices), and farmers or associations of farmers were permitted to export their cotton fibre. In Mozambique detailed provisions for the application of these regulations were issued by Order No. 17797 of 9 May 1964.²

46. In its observations of 1964 the Committee of Experts referred to the fact that, under section 12 of Legislative Decree No. 45179 of 1963, ginning and pressing of cotton was to be permitted only in existing factories, and no new factories were to be permitted unless the existing ones were unable to process all the cotton produced in the area which they served. The Committee of Experts observed that these provisions would appear to limit very considerably the effect of the abolition of the exclusive right of concession-holders to buy cotton provided for elsewhere in the decree, particularly in the light of the provision in section 5 that only those with the technical facilities to process cotton might buy raw cotton. Recalling the earlier practices in the matter noted by the Commission of Inquiry in its report and its recommendations concerning arrangements to ensure that the system of marketing and processing of cotton did not in practice involve a danger of constraint to the detriment of producers, the Committee of Experts asked the Government to review the above-mentioned provisions with a view to ensuring to producers a greater degree of freedom in marketing their crops. In its report for 1963-64 the Portuguese Government stated that section 12 of Legislative Decree No. 45179 was intended only to maintain the economic and industrial balance by preventing the construction of mills in regions that were already equipped. The object of section 5 of the decree was to enable the Cotton Institute to eliminate speculators and adventurers from the cotton trade. It was 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 were obliged to gin all cotton brought to them for this purpose. The producer could always have his cotton ginned on his own account, as many had already done with the help of the Cotton Institute, which allowed them credit to pay the charge for ginning and to meet export costs: furthermore, if they did this, they were exempt from the tax payable by merchants. Producers thus had complete freedom to produce and to trade in cotton under regulations drafted with this object in view. In the light of these explanations

¹ *Diário do Governo*, 1st Series, No. 25, 30 Jan. 1964.

² *Boletim Oficial*, 1st Series, No. 19, 9 May 1964, Supplement.

by the Government and of the provisions of Decree No. 45550 of 1964, which had become available only after its session of 1964, the Committee of Experts did not consider it necessary to make any further comment on this matter. In 1965 it merely inquired about any more detailed provisions, similar to Order No. 17797 of Mozambique, which had been issued in Angola. In the Conference Committee in 1965 the representative of the Portuguese Government indicated that in Angola the provisions of Decree No. 45550 of 1964 were applied. In its report for 1964-65 the Government stated that cotton continued to be grown freely, in accordance with the legislative provisions mentioned above, and that in many areas the indigenous population was showing increasing interest in cotton-growing, as evidenced by the number of new registrations with the Cotton Institute.

47. It would appear that, with respect to the cultivation and marketing of cotton, measures have been taken on lines corresponding to those envisaged in the recommendations of the Commission of Inquiry.

J. TAXATION

48. The Commission of Inquiry, referring to evidence received both during the interrogation of witnesses and during its visits concerning the effect of taxation as an inducement to seek work, drew the Portuguese Government's attention to the provisions of the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35), regarding the desirability of avoiding indirect means of artificially increasing the economic pressures upon populations to seek wage-earning employment, including the imposition of such taxation upon populations as would have the effect of compelling them to seek wage-earning employment with private undertakings.¹ In its reports for 1961-62 and 1962-63 the Government supplied further information on the position regarding taxation and its effect in regard to wage earners. The Committee of Experts subsequently did not consider it necessary to make further observations on this matter.

K. APPLICATION OF VAGRANCY LAWS

49. From some of the information and evidence at its disposal concerning the application of laws for the repression of vagrancy, the Commission of Inquiry felt that a clear distinction had not always been drawn in the territories concerned between lack of activity as such and cases of vagrancy characterised by persons having neither work nor resources nor fixed abode. It accordingly drew the Portuguese Government's attention to the further provision of the Forced Labour (Indirect Compulsion) Recommendation stressing the desirability of avoiding any abusive extension of the generally accepted meaning of vagrancy.² In its reports for 1962-63 and 1963-64 the Government supplied information on the practical application of vagrancy provisions (both statistics and copies of certain court decisions). It also indicated that, with the abolition of native status (which, as noted by the Commission of Inquiry, had occurred in September 1961), the previous administrative procedure for cases of vagrancy had ceased, and vagrancy was thereafter punishable only by the courts in accordance with the Penal Code. The Committee of Experts subsequently did not consider it necessary to make further observations on this matter.

¹ Report of the Commission of Inquiry, para. 751.

² Ibid., para. 752.

L. LABOUR INSPECTION

50. The Commission of Inquiry stated that in its judgment the most important single measure to ensure that the established policy of the Portuguese Government regarding the elimination of forced labour was carried out in practice was a substantial reinforcement of the labour inspection service then in process of creation. It noted that in Portuguese Africa a special labour inspection service had been established only recently; at the time of the Commission's visits in December 1961, in Angola the first appointees to the service had not yet been in post, and in Mozambique they had only recently been appointed. The Commission of Inquiry emphasised that a specialised, independent and impartial labour inspection service was indispensable to secure the effective application of labour legislation, and that this was of outstanding importance in territories where changes of policy of a fundamental character had been initiated, where the size, degree of economic and social development and demographic structure made the implementation of such changes of policy a particularly arduous task, and where the essence of the problem was to ensure that neither the authority of the administration nor that of traditional chiefs was used on behalf of either particular administrative services or the private sector of the economy in a manner contrary to the policy of the Government. The Commission of Inquiry therefore recommended that the Government should give a particularly high degree of priority to building the recently established labour inspection service up into an effective reality.¹

51. In connection with the above-mentioned recommendation the Commission of Inquiry noted that Portugal had ratified the Labour Inspection Convention, 1947 (No. 81), while the complaint concerning the Abolition of Forced Labour Convention had been under examination. The Labour Inspection Convention came into force for Portugal on 12 February 1963, and the Portuguese Government submitted reports on its application for the periods 1963-64 and 1964-65. The Government has also supplied information in its reports on the Abolition of Forced Labour Convention on the size and activities of the labour inspection services in Angola and Mozambique.

52. It would appear from the Government's reports on the application of the Labour Inspection Convention and the legislation referred to in them that the legal provisions governing the organisation, functions and powers of the labour inspection services, both in metropolitan Portugal and overseas Portugal, correspond to the requirements of that Convention. The Committee of Experts has however had occasion to comment on the relative rate of progress in Angola and Mozambique in developing an adequately staffed inspectorate. Thus, in 1965 it noted the rapid growth of the inspectorate in Angola, the number of labour inspectors and supervisors having risen in 12 months from nine to 22, with additional posts authorised; in contrast with these developments, it noted that the labour inspectorate in Mozambique was limited to six inspectors.

53. With its report for 1964-65 the Government supplied a copy of a report on the activities of the labour inspection service of Angola, including detailed statistics of undertakings liable to inspection, inspections made, and penalties imposed. From this inspection report it appears that by 1965 the inspectorate had an authorised establishment of 41 posts, of which 37 had been filled (11 inspectors and 26 supervisors). As regards Mozambique, the Government's report for 1964-65 stated that 11 inspectors and supervisors had already been appointed and that two more inspectors and four more supervisors would be appointed shortly. In contrast to the detailed

¹ Report of the Commission of Inquiry, paras. 754-756.

statistics on the activities of the Angola inspectorate, no information of this kind was provided for Mozambique in this report. A reflection of this difference in the strength and vitality of the labour administrations in Angola and Mozambique can be seen, for example, in the indications on measures of publicity for labour legislation given in paragraph 17 above.

54. Thus, since the Commission of Inquiry reported, progress has been made in the development of labour inspection services in the territories with which it was concerned. In Angola this development has been quite rapid, whereas in Mozambique (although it has a population more than a third greater than that of Angola), progress has been much slower and results less apparent. Portugal's ratification of the Labour Inspection Convention will enable the Committee of Experts to follow the situation in detail, on the basis of the requirements of that Convention.

M. EMPLOYMENT SERVICES

55. The Commission of Inquiry emphasised the importance, for the purpose of dealing with the manpower problems of developing countries, of a comprehensive manpower policy, including provision for periodic manpower surveys, a public employment service at major employment centres in replacement of earlier methods of recruitment of labour, intensive vocational training, and measures to correct endemic underemployment. The Commission of Inquiry accordingly recommended that the Portuguese Government should give prompt and thorough consideration to the question whether the full implementation of its policy and obligation to abolish forced labour did not call for a substantial programme of complementary action in these related fields.¹

56. The Rural Labour Code provided that a free public placement service should be available for all workers, and defined the object and functions of this service in terms corresponding to the Employment Service Convention, 1948 (No. 88). In answer to requests by the Committee of Experts for information on the implementation of these provisions, the Government indicated in its report for 1962-63 that in Mozambique the service had already begun to function, and in the following report supplied statistics of its activities from January 1963 to June 1964 (during which period some 800 work-seekers had been registered, and 37 placed in employment); in the report for 1964-65 no more recent figures for Mozambique were given, but the intention to provide up-to-date statistics in the next report was stated. As regards Portuguese Guinea, the report for 1963-64 stated that there was a municipal unemployment registration service in the capital, and that the employment service provided for in the Rural Labour Code had only recently started to operate, with a staff of three. As regards Angola, the report for 1964-65 stated that a small public employment office had started functioning in Luanda as an experimental measure, and in the first half of 1965 had received 693 applications and placed 68 workers in employment. To second the employment service, the training of social workers for assignment to undertakings and areas of recruitment had also been undertaken in Angola. In order to provide support for the employment service workers' transit camps had already been set up in two towns of Angola, three more were in the course of construction, and it was hoped, in collaboration with undertakings, to build 20 further camps next year. Manpower surveys had already been made of two districts of Angola, and others were planned.

¹ Report of the Commission of Inquiry, paras. 762-763.

57. In its report for 1964-65 the Government also referred to the issue of Legislative Decree No. 46731 of 9 December 1965¹ to establish a National Employment Service, and stated that this was a decisive step in the implementation of a manpower policy adapted to the needs of all Portuguese territory. It is, however, to be noted that the essential purpose of this decree is stated in its preamble as being "to co-ordinate emigration with employment policy, taking account as far as possible of deficiencies and needs of placing in Portuguese territory while at the same time seeking to define employment policy in terms of the entire national territory and with due attention to the requirements of overseas settlement". The new service will be directed from metropolitan Portugal. The decree establishing it does not refer to the provisions of the Rural Labour Code concerning employment services, nor does it purport to lay down the manner of co-ordinating the latter with the new national service. The essential question for the three territories with which the Commission of Inquiry was concerned therefore remains that of the development of a general and effective employment service.

58. In its observations of 1965 the Committee of Experts referred to the figures supplied in the Government's reports on the volume of recruiting in Angola and Mozambique, and observed that, according to these figures, almost 100,000 workers were still recruited annually in Angola and in the period July 1962 to June 1963 almost 120,000 workers had been recruited in Mozambique (apart from workers engaged for work abroad). The Committee accordingly asked whether consideration had 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.

59. In its report for 1964-65 the Government stated that it agreed that it was desirable to replace the system of recruiting by engagement of labour spontaneously offering its services, and that progress was being made in this direction. However, it observed that in certain parts of the world this was impracticable, on account of the enormous distances, the cost of travel to centres of employment, the need for a worker to have an advance of money to settle his liabilities before leaving home, and the general attitude of a population still living in a mixed economy. It did not appear possible to abolish at one stroke the recruitment of workers at their places of residence. What was necessary was to regulate the system in order to prevent abuses. Supervision by the labour inspectorate had been very effective, particularly in regard to professional recruiting. The Government preferred the system of recruiting directly by employers to recruiting through professional recruiters, since thus employers would have greater responsibility and would be able to pay their workers the sums otherwise paid to recruiting agents. In Angola from 1963 to 1964 the number of workers recruited directly by employers had gone up from 60,413 to 73,588, while the numbers obtained through professional recruiters had gone down from 36,780 to 29,263. It had therefore been possible to admit this system as far as large undertakings were concerned. However, small firms sometimes were unable to recruit workers directly. It was hoped to solve this problem through the establishment of free public employment services, as the best means of combating certain abuses associated with recruiting by individuals.

60. From the available information it is clear that recruiting still plays a major role both in Angola and in Mozambique as a means of obtaining labour. The public employment services provided for in the Rural Labour Code have only made a very

¹ *Diário do Governo*, 1st Series, No. 278, 9 Dec. 1965.

limited beginning in the capital cities, although the action recently initiated in Angola for the setting up of a network of workers' transit camps may in due course provide a basis for significant changes.

61. In the case of Angola, the number of workers recruited was 97,193 in 1963, and increased to 102,851 in 1964. For the former year the Government's reports provided a break-down of recruited labour by branch of activity, which showed that the main uses of such labour were agriculture, mining and fishing—accounting respectively for 76 per cent., 11.5 per cent. and 7 per cent. of the workers recruited in 1963. As regards sectors or undertakings whose situation was examined by the Commission of Inquiry, it has been noted in the earlier sections of this report that there has been a substantial rise in the employment of spontaneous labour in publicly owned ports and railways, whereas so far there had been little or no decline in the volume of recruiting for the Diamond Company of Angola or the Cassequel Agricultural Company (with the latter apparently resorting from 1963 onwards to the services of professional recruiters, in contrast to the national trend and official policy).

62. In the case of Mozambique the number of workers recruited for employment in Mozambique in 1963 (the only year for which figures have been supplied) was 117,239, the main users of such labour being agriculture, industry and public services—accounting respectively for 68 per cent., 21.5 per cent. and 8 per cent. of the workers recruited. These figures do not include the large numbers of workers engaged for employment abroad.

63. As the Portuguese Government has indicated in its reports the recruiting of workers is regulated in accordance with the provisions of the Rural Labour Code. These provisions in general correspond to the standards laid down in the Recruiting of Indigenous Workers Convention, 1936 (No. 50). Thus, the Code provides for such basic requirements as the licensing of recruiters, the non-participation of officials and traditional authorities in recruiting, the medical examination of recruits, the conclusion of written contracts and their attestation by a public officer who has to satisfy himself that the law has been observed and that there has been no illegal pressure, misrepresentation or mistake, the provision of proper transport facilities, etc. These measures, if reinforced by adequate inspection services, can do much to prevent abuses in the engagement of labour. It is, however, appropriate to recall that, when adopting the Recruiting Convention, the Conference also stated, in the Elimination of Recruiting Recommendation, that the progressive elimination of recruiting of labour and the development of the spontaneous offer of labour should be a cardinal principle to be followed by the Members of the International Labour Organisation. The Conference recommended that the elimination of recruiting should be hastened by the improvement of the conditions of labour, the development of the means of transport, the promotion of the settlement of workers and their families in the area of employment, where such settlement is the policy of the competent authority, facilitating the voluntary movement of labour under administrative supervision and control, and the educational development of the indigenous population and the improvement of their standard of living.

64. Systems of recruiting of workers can be seen at the present time as serving two principal ends. On the one hand, they may be a means of providing concerted arrangements for the transport and welfare of workers where there are distinct currents of labour migration, even in the absence of recruiting in the sense of seeking out labour which was not coming forward spontaneously. In the long term, it may be considered that such functions are best performed by a public employment service. Indeed, both the Employment Service Convention and the Rural Labour Code

provide that the public employment service should take measures to facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities, and it has been seen that action in this direction has recently been initiated in Angola with the construction by the authorities of a number of transit camps.

65. In addition to the above-mentioned, purely functional aspect of recruiting systems, recruiting constitutes a means of procuring the labour of persons who do not spontaneously come forward to seek employment. In this regard, whatever safeguards may be sought through official supervision, the danger of pressures or other abuses cannot altogether be avoided. In particular, it seems appropriate to recall the observations by the Commission of Inquiry that the structure of African society made some consultation of and co-operation with the local chiefs indispensable where workers were recruited for employment at some distance from their homes and that, in the absence of trained African elements in the administration in sufficient numbers and at a sufficient level of responsibility, it was difficult for the administration to know what really took place between the chief and his villagers. The Commission of Inquiry stressed that, in these circumstances, attempts to make the policy of abolition of forced labour fully effective might be frustrated by a cultural and social background which excluded either real knowledge or proper control.¹ Here again—as the Portuguese Government itself specifically recognised in its last report on the application of the Abolition of Forced Labour Convention—the development of a free public employment service constitutes the best means of preventing certain abuses which may occur in recruiting by private individuals.

66. The Commission of Inquiry pointed out the need for a comprehensive manpower policy, including public employment services, as one of the principal positive measures to guarantee the final and absolute elimination of forced labour. The necessary statutory provisions for action in this field exist. It is in their vigorous implementation that the main avenue of future advance appears to lie.

CONCLUSIONS

67. The following conclusions appear to emerge from the foregoing review of the measures taken by the Government of Portugal on the matters arising out of the report of the Commission of Inquiry which examined the observance of the Abolition of Forced Labour Convention in Angola, Mozambique and Portuguese Guinea:

I. The legislative changes recommended by the Commission of Inquiry in paragraphs 730 to 734 of its report were made by the Decree of 27 April 1962, which approved the Rural Labour Code, and became effective on 1 October 1962.

II. The provisions permitting compulsory recruitment for a Labour and Economic Recovery Corps in Angola, as an emergency measure, mentioned in paragraph 735 of the Commission's report, were repealed on 19 March 1965. Any difficulties which might have arisen in relation to the Convention from the continuation in force of such emergency measures have therefore been obviated.

III. With regard to the recommendation in paragraph 736 of the Commission's report concerning publication of legislation, the Government has stated that no confidential circulars are used to issue regulations under the Rural Labour Code or other basic laws, or to amend existing legislative provisions. Particularly active measures have been taken in Angola to give publicity to all provisions on labour matters.

¹ Report of the Commission of Inquiry, paras. 772-777.

iv. The Government has reported the conclusion of new agreements with the Republic of South Africa under which the penal sanctions for breach of contracts of employment provided for in South African legislation would not be applied to workers from Portuguese territory. This action would meet the suggestion made in paragraph 746 of the Commission's report. However, copies of the new provisions have not yet been supplied, nor is it known whether the agreements have yet come into force.

v. Further legislation concerning the cultivation and marketing of cotton was enacted in 1963 and 1964. By abolishing the concession system, liberalising the marketing of cotton, and providing various safeguards to protect the interests of producers, this legislation tends to remove the danger of constraint on producers, and appears thus to meet the recommendation made in paragraph 750 of the Commission's report.

vi. Following the provision by the Portuguese Government of additional information concerning taxation and the application of vagrancy laws (referred to in paragraphs 751 and 752 of the Commission's report), the Committee of Experts did not consider it necessary to pursue these matters further.

vii. As regards the engagement of labour for the construction and maintenance of roads (in respect of which the Commission of Inquiry recommended in paragraph 744 of its report close attention to the elimination of any remaining cases of recourse to forced labour), the earlier legislative provisions permitting exaction of labour for public works in general and for local road works in Mozambique have been repealed. The Government has stated that labour for such works is engaged on a free basis. It appears that in Angola the authority responsible for road construction and maintenance relies exclusively on labour offering its services spontaneously.

viii. In the case of the publicly owned railways and ports of Angola it appears from the detailed information supplied concerning their methods of engaging labour and the composition of their labour force that, in accordance with the recommendation made by the Commission of Inquiry in paragraph 741 of its report, the instructions of August 1961 to discontinue the earlier system of recruiting through administrative officers and chiefs are being implemented. In this sector significant progress has been made since the issue of the above-mentioned instructions in replacing the system of recruiting by one of engagement of workers offering their services spontaneously.

ix. In accordance with the recommendations made by the Commission of Inquiry in paragraphs 738 and 749 of its report, the Government has kept under review and supplied detailed information (including results of inspections) concerning the methods of engaging labour for the Diamond Company of Angola and the Cassequel Agricultural Company (Angola). According to the Government's reports, the recruiting operations of these Companies comply with the statutory requirements, forced labour is not employed, nor do the administrative or traditional authorities participate in the recruiting operations. In contrast to the position with regard to the publicly owned railways and ports of Angola, there has been no significant reduction in the volume of recruiting for these Companies, and the Cassequel Agricultural Company appears to have resorted from 1963 onwards to professional recruiters, whereas the general trend and government policy has been towards reduction of this form of recruiting. The ultimate guarantee of elimination in this connection of all practices which might be inconsistent with the Abolition of Forced Labour Convention appears to lie in the further development of effective labour inspection and manpower services.

x. As regards the recommendation made by the Commission of Inquiry in paragraph 756 of its report that the labour inspection services should be built into an effective reality in order to ensure that the Government's policy of eliminating forced labour was fully carried out, significant progress appears to have been made in Angola. The labour inspectorate of Mozambique, in contrast, has been developing at a much slower pace, and far less information has been provided by the Portuguese Government to demonstrate its effectiveness. Portugal's ratification of the Labour Inspection Convention will enable the Committee of Experts to follow further developments, on the basis of the requirements of that Convention.

xi. It is in regard to the implementation of the recommendations made by the Commission of Inquiry in paragraphs 762 to 763 of its report for positive measures in the manpower field, including the development of public employment services, that the greatest scope and need for further action appear to exist. While the necessary statutory provisions for such action exist, only limited initial measures for their implementation have so far been taken, with the creation of employment offices in the capital cities of the territories concerned. The recently initiated action in Angola aimed at establishing a network of workers' transit camps may in due course provide a basis for significant developments in the role of the public employment service there. The desirability of ultimately replacing recruited labour by labour offering itself spontaneously is accepted by the Portuguese Government. It appears that the vigorous pursuit of a policy aimed at making public employment services, rather than recruiting, the means of matching labour demand and supply will constitute the best guarantee that employment relations will repose unequivocally on the free will of the parties concerned.

APPENDIX

COMMUNICATION FROM THE GOVERNMENT OF PORTUGAL

(Translation)

Reply of the Portuguese Government to the request made by the Director-General of the I.L.O. for a report on the effect given by Portugal to the recommendations of the Commission appointed under article 26 of the Constitution of the I.L.O. concerning the observance of the Abolition of Forced Labour Convention, 1957 (No. 105), which was ratified by Portugal on 23 November 1959 and has consequently been in force throughout Portuguese territory since 30 November 1960.

It should be stated that the Portuguese Government would wish to be informed whether the recommendations of another Commission, also established under article 26 of the Constitution, concerning the observance by a certain member country of Convention No. 29, also relating to the abolition of forced labour, have been followed up in an identical manner, i.e. whether after their acceptance they were put into effect by the Government in question. If that has not occurred, the Portuguese Government cannot fail to consider that it is being the object of discriminatory treatment.

* * *

In addition to the information given each year in the reports made under article 22 of the I.L.O. Constitution on the application of Convention No. 105 throughout Portuguese territory, and to the explanations given by the Portuguese delegates at the annual sessions of the International Labour Conference (Committee on the Application of Conventions and Recommendations), which should be taken as entirely reproduced here, the Commission established under article 26 of the Constitution (hereinafter styled "the Commission") referred in paragraph 727 of its report to many measures taken by the Portuguese Government as a consequence of ratification of Convention No. 105 (paragraph 727, items (a) to (h)). Some of those measures as well as many others reflect not only the desire of the Portuguese Government to discharge the international obligations which it has assumed, but also the natural, logical progress of social legislation.

However, the Commission states in paragraphs 729 and 734 that it finds that there continue to be certain legislative anomalies, and recommends their elimination. These, it says, consist of sections 3, 4 and 299 of the old Native Labour Code, sections 24 ff. and 299 of the said Code, sections 36, 37 and the subsection to 329 and also sections 296 and 300 of the Code.

All the said provisions are now repealed, since the Rural Labour Code (Decree 44309) was published on 27 April 1962 and it expressly repealed the Native Labour Code and all complementary legislation and orders. Accordingly, when the Commission recommended that the new Code should come into effect "at the earliest possible date", the Portuguese Government complied fully with the recommendation, since the report of the Commission is dated 21 February 1962, it was accepted by the Portuguese Government forthwith at the March session of the Governing Body of the I.L.O., and the new Code was published in April. We believe that the above demonstrates the earnest and punctilious attitude of the Portuguese Government and its firm desire to carry out the recommendations of the Commission.

It must be pointed out, for information only, that the "moral obligation to work" stated in the old Native Labour Code had nothing to do with forced labour. That expression only meant the duty of every responsible citizen of any country in the world to engage in some activity and not to confine himself to idleness.

* * *

On 19 March 1965 the Portuguese Government ordered publication of Decree 46251, revoking Ministerial Legislative Instrument No. 24, which had been issued in Angola on 9 May 1961 as an emergency measure (the Commission formally recognised this in paragraph 735 of its report).

* * *

All Portuguese legislation is published in the Official Gazette (*Diário do Governo*) and in the official bulletins: these are sent regularly to the I.L.O. Copies of the explanatory circulars issued by the Labour, Social Security and Social Welfare Institute of Mozambique have also been communicated.

As regards cotton-growing (paragraph 750) the Commission suggested that certain measures should be taken which concern its cultivation or marketing. Giving effect to those recommendations the Government ordered publication of the following instruments, which are already in the hands of the I.L.O.:

Decree No. 45179 of 5 August 1963, which puts an end to the cotton concessions and transfers to the Cotton Institute all work of technical assistance, marketing, financing and agricultural extension relating to the growing of cotton;

Decree No. 45550 of 30 January 1964 respecting cotton markets (as regards Mozambique, see Legislative Instrument No. 17797 of 9 May 1964 for administration of the decree in that Province).

* * *

The Commission suggested (in paragraph 762) that employment services should be established, which would be sufficiently flexible to study problems of vocational training, unemployment, etc.

On 9 December 1965 there was issued Legislative Decree No. 46731—a decisive step in the implementation of a manpower policy which has regard to realities in all Portuguese territory. The said decree, which set up a National Employment Service, is already known to the I.L.O.

* * *

On 13 October 1965 certain agreements with the Republic of South Africa were formally ratified: many Portuguese workers from the Province of Mozambique carry on their occupations in that country. Although there is no element of compulsion or fraud in this migratory movement, as the Commission recognised (paragraph 745), it suggested that Portugal should discuss further with the South African authorities the possibility of not applying penal sanctions for breach of contract of employment to Portuguese workers from Mozambique carrying on their occupations in South Africa.

The arrangements under the agreement avoid the application of penal sanctions, because if a worker leaves his job he is repatriated to his place of residence. For the rest, the protection afforded to Portuguese workers in the Republic of South Africa by the Labour, Social Security and Social Welfare Institute of Mozambique enables the Portuguese authorities to provide workers in South Africa with constant assistance. It is stated that there are now about 1,200,000 foreign workers in the Republic of South Africa: with the exception of the Portuguese, they do not receive any protection or assistance from the authorities of their respective countries.

* * *

Lengthy explanations have already been given, in the course of the debates in the Committee on the Application of Conventions and Recommendations at the various annual sessions of the Conference, concerning the determination of the Portuguese Government to give effect to the recommendations of the Commission, not only as regards its observations on certain private undertakings (paragraphs 738 and 749) but also with respect to certain activities in the public sector (paragraphs 741, 744 and 754 ff.). The above-mentioned explanations should be taken as reproduced in full here.

In case the Governing Body of the I.L.O. has doubts regarding the Portuguese Government's determination to give effect to the recommendations of the Commission, the Government has the honour to place the following formal proposal before it: the appointment of three impartial experts of the highest standing who would visit the same Portuguese territories as were visited by the Commission, so that they might report to the Governing Body on how the recommendations are applied; but the same experts should visit the other country which was the subject of a complaint regarding its observance of a Convention relating to the abolition of forced labour (No. 29 of 1930) and should consider and similarly report to the Governing Body on how that country has given and is giving effect to the recommendations of the respective Commission.

It is believed that the above proposal deserves careful consideration by the Governing Body.

REPORT III
(PART IV)

International Labour Conference

FORTY-SIXTH SESSION
GENEVA, 1962

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
1962

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 upon the application by them of Conventions and Recommendations and to report thereon to the Governing Body, held its 32nd Session in Geneva from 15 to 27 March 1962. The Committee has the honour to present its report to the Governing Body.

2. The Committee has the profound regret to record the death of one of its members, Mr. Paul TSCHOFFEN, Doyen of the Bar at the Appeal Court of Liège, Minister of State of Belgium and former Minister of Justice, of Labour and for the Colonies, who had been Chairman of the Committee at all sessions which he had been able to attend since its first session in 1927. His eminent qualities as a statesman and a lawyer were of inestimable value in the deliberations of the Committee. His personal qualities rendered him an ideal Chairman and endeared him to his colleagues, who deeply regret his passing.

3. There have been no other changes in the membership of the Committee since its last session and the present composition of the Committee is as follows:

Sir Grantley ADAMS, Q.C. (Barbados),

Premier of the West Indies; former delegate to the United Nations Assembly;

Baron Frederik M. VAN ASBECK (Netherlands),

Former Professor of International Law and of Comparative Constitutional Law of Non-Metropolitan Countries at the University of Leyden; Member of the Permanent Court of Arbitration; Judge of the European Court of Human Rights; Member of the Institute of International Law; former Member of the Mandates Commission of the League of Nations;

Mr. Henri BATIFFOL (France),

Professor of Private International Law at the Faculty of Law and Economics of the University of Paris; member of the Institute of International Law; member of the Curatorium of the Academy of International Law;

Mr. Günther BEITZKE (Federal Republic of Germany),

Professor of Civil Law and of Private International Law at the University of Bonn; Director of the Institute of Private International Law and Comparative Law at the University of Bonn;

Mr. Choucri CARDAHI (Lebanon),

Former Minister of Justice; Honorary First President of the Supreme Court of Appeal of Lebanon; Honorary Professor of Law at the University of Beirut;

Corresponding Member of the Institute of France (Academy of Moral and Political Sciences); Professor at the Academy of International Law of The Hague, 1933 and 1937;

Mr. Isaac FORSTER (Senegal),

First President of the Supreme Court of the Republic of Senegal;

Mr. E. GARCÍA SAYÁN (Peru),

Former Professor of Civil Law at the University of Lima; former Minister of Foreign Affairs; Member of the Advisory Council on Foreign Affairs; Vice-President of the Inter-American Commercial Arbitration Commission;

Mr. Arnold GUBINSKI (Poland),

Doctor of Laws; Lecturer of Law at the University of Warsaw; Chairman of the Working Party of the Codification Commission on the Legal Liability of Minors; Member of the Working Party on the Systemisation of Labour Law;

Mr. Paul M. HERZOG (United States),

President, American Arbitration Association; former Associate Dean, Graduate School of Public Administration, Harvard University; former Chairman of the National Labor Relations Board (Washington); former Chairman of the New York State Labor Relations Board; Member of the United States Government Delegation to the International Labour Conference, 1950;

Begum Liaquat ALI KHAN (Pakistan),

Ambassador to Italy and Tunisia; former delegate to the United Nations Assembly; former Professor of Economics at the Inderprastha College, Delhi University; Member of the Syndicate and Senate of Karachi University;

Mr. H. S. KIRKALDY (United Kingdom),

Barrister; Professor of Industrial Relations at the University of Cambridge; Member of the United Kingdom Delegation to the sessions of the International Labour Conference, 1929-44;

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; Chairman of the International Civil Service Advisory Board, United Nations;

Mr. Afonso Rodrigues QUEIRO (Portugal),

Professor of International Law at the University of Coimbra; Member of the International Institute of Administrative Science;

Mr. Paul RUEGGER (Switzerland),

Ambassador; former Minister of Switzerland in Rome and London; President of the International Committee of the Red Cross, 1948-55; Member of the Permanent Court of Arbitration; Associate Member of the Institute of International Law;

Mr. Isidoro RUIZ MORENO (Argentina),

Professor of International Public Law at the University of Buenos Aires; Member of the National Section of the Court of International Arbitration; Member of the

Argentinian Institute of International Law; Member of the Brazilian Society of International Law and of the Institute of International Law of Chile; Member of the National Academy of Law;

Mr. Max SØRENSEN (Denmark),

Professor of International Law at Aarhus University; Member of the European Commission on Human Rights; former Member of the Human Rights Commission of the Economic and Social Council; Associate Member of the Institute of International Law; Member of the Permanent Court of Arbitration.

4. Three members of the Committee, Sir Grantley ADAMS, Mr. FORSTER and Mr. SØRENSEN, were prevented from attending the present session of the Committee owing to pressure of duties in their own countries. In addition, the Committee noted that Mr. FORSTER had already been occupied for several months during the past year with work on behalf of the International Labour Organisation.

5. The Committee elected Sir Ramaswami MUDALIAR as Chairman and Mr. KIRKALDY as Reporter of the Committee. Mr. VAN ASBECK acted as Reporter on questions affecting non-metropolitan territories.

II. Work of the Committee

6. The task assigned to the Committee in accordance with its terms of reference was to consider and report to the Governing Body on the following matters:

- (a) reports from governments under article 22 of the Constitution on the Conventions which they have ratified;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories;
- (c) information from governments under article 19 of the Constitution on the measures taken by them to bring certain Conventions and Recommendations before the competent authorities for the enactment of legislation or other action;
- (d) reports from governments under article 19 of the Constitution on two unratified Conventions and two Recommendations selected by the Governing Body.

7. From 1 January to 31 December 1961, 210 ratifications were registered, 138 being new ratifications and 72 being ratifications resulting from the continuance by new States Members of the obligations undertaken on their behalf by the States which were formerly responsible for the foreign relations of the countries in question before the acquisition of independence.

8. The number of new declarations affecting non-metropolitan territories which were communicated during 1961 was 261, 37 of these being declarations of application without modifications and two being declarations of application with modifications.

9. By the time the Committee adopted its report the total number of ratifications stood at 2,497 and the number of declarations affecting non-metropolitan territories amounted to 1,072 declarations without modifications and 190 declarations with modifications. The continued decrease in the number of declarations affecting non-metropolitan territories is the result of the changed status of certain countries which were formerly non-metropolitan territories and, having become member States, are now bound by ratifications and no longer by declarations.

10. The total number of detailed reports and other items of information submitted by governments under the various provisions of the Constitution referred to in

paragraph 6 and coming before the Committee this year for examination was somewhat higher than the total of 3,000 examined last year.

11. The Committee learned that in the course of 1961 two complaints were filed with the International Labour Office, under article 26 of the Constitution, concerning the observance of ratified Conventions. The first complaint was filed by the Government of Ghana in February 1961 and related to the application by Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105), in her African territories of Mozambique, Angola and Guinea. The Convention had been ratified by Portugal in 1959 and had come into force for her on 23 November 1960. The Governing Body of the International Labour Office appointed a Commission under the said article 26 to examine the complaint. This was the first occasion on which a commission of this kind had been established. The Commission, in addition to obtaining information from the parties and other sources, heard witnesses in Geneva, and visited Angola and Mozambique in December 1961. Its report was presented to the 151st Session of the Governing Body in March 1962, when the representatives of the two parties indicated that they accepted the Commission's findings and recommendations. The Commission's report recommended a number of measures which should be taken by Portugal to secure the effective application of the Abolition of Forced Labour Convention; it also recommended that Portugal should indicate regularly in its reports under article 22 of the I.L.O. Constitution the action taken to implement these recommendations. These arrangements thus make it incumbent upon the Committee of Experts to follow up the measures adopted in pursuance of the Commission's recommendations. The Commission also left it to the discretion of the Committee of Experts to indicate when it no longer considers any special information on all or some of these matters necessary. The Committee of Experts has therefore, in the observation to be found in Part Two below, requested the Government to supply in its next report information on the measures taken to implement the recommendations of the Commission. The second complaint was filed by the Government of Portugal in August 1961 and related to the observance by Liberia of the Forced Labour Convention, 1930 (No. 29). In this case also the Governing Body decided, at its 151st Session in March 1962, to refer the complaint to a Commission appointed under article 26 of the Constitution for examination. As indicated in an observation under Convention No. 29 in Part Two below, the Committee has decided to defer further consideration of the effect given by Liberia to the Convention until the Commission appointed under article 26 has reported.

12. In its last report the Committee set forth in some detail the reasons why it asked the Governing Body to continue the procedure under which, subject to certain important provisos, detailed reporting on ratified Conventions has since 1959 been placed on a two-yearly system. The Committee has noted that, after full examination of the matter, the Governing Body, as well as the 1961 Conference Committee on the Application of Conventions and Recommendations, has accepted the recommendation of the Committee that the new procedure should be continued on the understanding that its operation would be kept under review and governments should be urged to comply more scrupulously with their reporting obligations.

13. In its last report the Committee emphasised the degree to which in its view the success of the new system depended on the governments' supplying detailed reports as requested and replying fully to observations and requests made by the Committee. The Committee also stated that in an endeavour to obviate or reduce the delays in the supervision of Conference decisions the Committee had decided to ask the International Labour Office in its capacity as the secretariat of the Committee to ascertain immediately upon receipt of governments' reports whether these reports had taken

account of previous comments made by the Committee of Experts and by the Conference Committee. The Committee requested the Office, if it found this was not the case, to establish forthwith contact with the government concerned in order to explain that the Committee would be unable to carry out the task assigned to it by the Governing Body unless the necessary information was made available and to request the government to supply the information without delay.

14. In pursuance of this procedure the International Labour Office communicated with 30 governments and requested them to supply further information. Of these governments 12 responded to the request made by the International Labour Office on the Committee's behalf and have supplied the necessary information. The Committee recognises that a complete response was unlikely to be obtained in the first year in which this new procedure has been applied but it regrets that only approximately one-third of the governments should have in fact responded and it sincerely trusts that in future years a more complete response will be forthcoming. It would emphasise that such a response is essential if serious delays are to be avoided in the supervision of the application of Conference decisions.

15. In this connection the Committee would again emphasise a point which on many previous occasions it has raised in a more general manner. The Committee is seriously concerned that so many of the reports received arrive only after serious delays and sometimes only during the course of the Committee's session. It is clear that failure of the governments concerned to supply the reports in good time renders quite impractical the operation of the new procedure which was inaugurated last year. This requires the Office to examine the reports after receipt to see whether the comments made by the Committee of Experts and the Conference Committee have been dealt with and thereafter to communicate with the governments concerned in sufficient time to enable them to reply before the time of the Committee's annual session. This procedure clearly requires several months for its completion and is totally impossible of application in the case of reports received only shortly before the Committee meets.

16. In its General Observations regarding the countries concerned, the Committee has pointed out the importance it attaches to this matter. It has also asked the Office in all cases where no information has been provided in reply to an observation or a request to ask the government concerned to supply a detailed report covering the period 1961-62.

III. Reports Submitted by Governments on Ratified Conventions

(a) *Supply of Annual Reports*

17. The reports requested from governments which came before the Committee this year related in most cases to the period 1 July 1959 to 30 June 1961. In addition, detailed reports were specially requested by the Committee from certain governments for this year which would not otherwise have been required under the two-yearly system; these reports related to the period 1 July 1960 to 30 June 1961. In accordance with the reporting procedure now in force the reports which came before the Committee this year fell into the following groups:

(a) reports on 46 Conventions on which detailed reports were requested for the period 1959-61¹;

¹ The Conventions concerned are the following: Nos. 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 41, 42, 44, 45, 48, 52, 53, 55, 56, 63, 65, 69, 73, 74, 77, 78, 79, 81, 82, 85, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105.

- (b) detailed reports specially requested from certain governments on the remaining Conventions in force either because a first report was due after ratification or because important divergencies had previously been noted between national law or practice and the Convention in question;
- (c) general reports from governments on any of the Conventions which they have ratified and for which no detailed reports were requested this year;
- (d) a number of detailed reports voluntarily submitted by certain governments which were not due under the two-yearly procedure nor specially requested by the Committee.

The Committee also had before it a number of reports on ratified Conventions received too late for examination by the Committee of Experts or by the Conference Committee last year.

18. Of the reports supplied a number arrived so late that the Committee was unable to examine them in detail. To have done so would have seriously impeded the work of the Committee and rendered it impossible to complete its work in the time available. In these cases, therefore, the Committee felt that it had no alternative but to defer detailed examination of the reports in question until its next session.

19. The number of reports requested from governments on metropolitan countries under the headings (a) and (b) in paragraph 17 above amounted to 1,362. This number compares with 1,100 reports on ratified Conventions requested last year. Up to the date of the conclusion of the present session of the Committee the Office had received 1,090 reports, i.e. 80 per cent., of the 1,362 reports requested. A list showing the reports received classified according to countries and Conventions is given in Part Two (Chapter I, Appendix I) of this report. There is also given in Part Two (Chapter I, Appendix II) a table showing for each year since 1933 in which the Committee has met the number and percentage of reports which were received for the meeting of the Committee and for the session of the International Labour Conference. The table also shows the number and percentage of reports which were received by the date by which the governments were asked to supply them.

20. The Committee, while noting a slight improvement in the percentage of reports this year, is still gravely concerned that so many governments should fail to comply with one of the fundamental obligations imposed upon them by their membership of the International Labour Organisation and by the Conventions which they have ratified. The Committee is further concerned by the small proportion, which in most recent years has been less than 25 per cent., and this year is only 18.1 per cent., of the reports supplied by the date requested. In addition to underlining the practical importance of the timely supply of reports if the work of international supervision of ratified Conventions is to be effectively applied, the Committee draws the attention of governments to the fact that their obligation consists not merely in supplying the reports but also in supplying them in the form and by the time requested.

21. Of the 95 States which were called upon to supply detailed reports, 57 have supplied all those requested. By 1 January 1962, however, which was already two-and-a-half months after the date requested, 39 States had failed to supply more than one-half of the detailed reports requested. Further, no reports at all have so far been received for the current reporting period from 15 countries: Albania, Byelorussia, Central African Republic, Cuba, Gabon, Iceland, Indonesia, Mauritania, Nicaragua, Panama, El Salvador, Somali Republic, Sudan, Togo and Uruguay.

22. A total of 33 States supplied a general report on Conventions for which no detailed reports were due or requested or reports on some of these Conventions. The reports so supplied by 12 of these States contained information relating to matters of importance, such as changes in national law or practice, and so enabled the Committee to consider such changes without delay notwithstanding the operation of the two-yearly procedure.

23. A total of 84 first reports since ratification of the relevant Conventions were received from 38 countries and as in previous years the Committee has devoted particular attention to such reports. The Committee has thus been able in most cases to place before the governments concerned, for their attention, any matters on which there appeared to the Committee to be divergencies between the Convention and the law and practice of the ratifying countries. The Committee is again pleased to note that many countries have responded with interest to the comments so made by the Committee and have shown readiness to modify national law and practice in accordance with the Committee's comments. Some countries, on the other hand, have been able to supply further explanations which have removed misunderstandings and so satisfied the Committee that the national law and practice is in conformity with the ratified Conventions.

24. Seven countries, which were due to supply first reports on certain Conventions for examination by the Committee this year, have failed to do so, i.e. Australia, Costa Rica, Cuba, Liberia, Mexico, Panama, United Arab Republic. In addition, three countries from which first reports were due for examination in 1961 have again failed to supply the reports in question: Luxembourg, Panama, United Arab Republic. One country (Panama) has failed to supply first reports originally due in 1959.

25. When considering the delays and deficiencies enumerated above in regard to the supply of reports the Committee has, of course, borne in mind that since 1960, 22 States have joined the International Labour Organisation and, of these, 21 were newly independent States some of which may have been under special difficulties in developing administrative services necessary to comply with the obligations in question. Between them these 22 States are bound by 336 ratifications and the Committee makes a special appeal to those of the States concerned which have not supplied their reports to endeavour at the earliest possible opportunity to overcome the difficulties which may stand in their way in fulfilling the obligations entailed by membership of the Organisation in this regard. The Committee is aware that the International Labour Office is at the disposal of these countries for any assistance they may require in this connection.

26. This year again the Committee had before it a certain number of comments by employers' and workers' organisations on the manner in which certain Conventions are applied in their countries, these comments having been transmitted to the International Labour Office by the governments concerned.

27. The Committee has always hoped that comments of this kind would be of assistance to it in assessing the extent of practical application of ratified Conventions. The Committee has been unable this year to carry further its investigation of other means of examining the extent of practical application to which it drew attention in its last report. It notes the interest in this matter expressed by the 1961 Conference Committee and it is its intention to pursue the matter effectively as time and opportunity afford in future years.

(b) *Examination of Reports by the Committee*

28. In making its detailed examination of the reports submitted by governments on ratified Conventions the Committee has continued its previous practice under which such reports as were received by the Office in sufficient time were allocated to individual members of the Committee for preliminary examination and were circulated to them in advance of the session. The observations both of a general nature and on individual reports resulting from this procedure were examined and approved by the Committee as a whole. They will be found in Part Two of this report, together with a brief reference to cases in which "direct requests" were formulated by the Committee and will be sent to governments by the International Labour Office on the Committee's behalf. As pointed out in previous years it should be borne in mind that certain of these direct requests do not in fact imply doubt in regard to the extent of conformity with ratified Conventions but consist of acknowledgments of information previously requested by the Committee and now supplied by the governments concerned.

IV. Application of Conventions in Non-Metropolitan Territories

29. The Committee was called upon to examine the information available on measures taken by member States in accordance with article 35 of the Constitution. It noted that, since the conclusion of its last session, 31 declarations concerning the applicability of Conventions to non-metropolitan territories had been communicated to the Director-General of the International Labour Office. Of these, 23 were declarations of application or acceptance without modification. The total number of declarations under article 35 of the Constitution now registered is 2,299, of which, as stated above, 1,072 are declarations of application or acceptance without modification and 190 declarations of application or acceptance with modifications; the remaining declarations indicate that the Convention is inapplicable or that a decision is still reserved.

30. The Committee learned that, by letter of 13 March 1962, the Government of the United Kingdom had informed the Director-General of the International Labour Office that it had reconsidered the position regarding the making of declarations under article 35 in regard to Conventions ratified before 20 April 1948. The Government had decided, in deference to the views expressed by the Committee on this matter over a number of years (and lastly in paragraph 36 of the Committee's General Report of 1961), to set aside its reservations concerning the legal obligations in this regard and to set in train the procedures for the submission of declarations concerning the application of Conventions ratified by the United Kingdom before 20 April 1948 in non-metropolitan territories for whose international relations the United Kingdom is responsible. The Committee notes this decision with satisfaction, and looks forward to the positive developments which will no doubt result from this decision. The Committee also observes with interest the statement of the United Kingdom Government that, in making the above-mentioned declarations, account would of course be taken of the Chart of the Application of Conventions in Present and Former Non-Metropolitan Territories appended to the Committee's last report.

*Renunciation of the Possibility of Recourse to Article 35
of the Constitution*

31. With respect to the possibility for member States to renounce recourse to the provisions of article 35 of the Constitution of the I.L.O. in respect of territories which

have previously been treated as non-metropolitan territories within the meaning of article 35, both the Committee of Experts and the Conference Committee have pointed out on a number of occasions that, given the importance of such a decision, and in order to avoid any doubt as to the scope of the international obligations which would henceforth bind the State concerned, a formal written communication should in such cases be sent to the Director-General of the I.L.O. The Committee accordingly learned with interest that, by letter of 30 November 1961, the Government of Portugal had informed the Director-General that, as regards the application of ratified Conventions, it considered the Portuguese Overseas Provinces to constitute an integral part of the national territory of the Portuguese State. As has been observed by this Committee and the Conference Committee, where such a decision is communicated, all Conventions previously ratified by the State concerned must henceforth, in the absence of any contrary provisions in the individual Conventions themselves, be applied without modification to the whole national territory, including those parts which were previously regarded as non-metropolitan territories.

Reports Examined

32. The Committee was also called upon to examine the reports communicated by member States—

- (a) pursuant to article 22 of the Constitution, on the application of ratified Conventions in the territories covered by paragraphs 1, 2 and 3 of article 35;
- (b) pursuant to article 35, paragraph 6, and article 22 of the Constitution on the application of Conventions accepted on behalf of territories covered by paragraphs 4 *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.

33. The Committee had before it 1,551 reports, representing 80 per cent. of the total of 1,939 reports requested. This constitutes an improvement over the percentage reached in recent years (68.7 in 1960, 73.3 in 1961), and the Committee hopes that this trend will continue in the years to come. Several States (Denmark, Republic of South Africa, United States) supplied all reports requested; it may also be noted that over 96 per cent. of the 1,132 reports due in respect of United Kingdom territories were received. The Committee regrets, however, that once again no reports at all have been supplied by Spain in respect of its non-metropolitan territories.

34. Finally, the Committee has noted certain data supplied by two Governments (Netherlands, United Kingdom) to supplement the information contained in the review made by it in 1961 of social evolution in present and former non-metropolitan territories.

V. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

Introduction

35. In accordance with its terms of reference the Committee this year examined the following information supplied by 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 44th Session (June 1960): Radiation Protection Convention, 1960 (No. 115), Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113) and Radiation Protection Recommendation, 1960 (No. 114);
- (b) additional information on action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference from its 31st Session (1948) to its 43rd Session (1959) (Conventions Nos. 87 to 114 and Recommendations Nos. 83 to 112);
- (c) replies to the observations and requests for information made by the Committee of Experts in 1961.

Forty-fourth Session

36. Information relating to the submission to the competent authorities of the instruments adopted by the Conference at its 44th Session has been received from 40 countries. The Committee is pleased to note that the Governments of the following 39 countries have indicated that all these instruments have been submitted to the competent authorities: Albania, Australia, Austria, Belgium, Bulgaria, Byelorussia, Canada, China, Colombia, Denmark, France, Federal Republic of Germany, Ghana, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Israel, Italy, Japan, Mexico, Morocco, Norway, Pakistan, Philippines, Rumania, Republic of South Africa, Sweden, Switzerland, Tunisia, Turkey, Ukraine, U.S.S.R., United Kingdom, United States, Venezuela and Yugoslavia. It also appears from information supplied by Spain that Convention No. 115 has been submitted to the competent authorities.

Thirty-first to Forty-third Sessions

37. The Committee notes with satisfaction from the information supplied to the Conference Committee in 1961 and the information that has since come to hand, that since last year eight countries have been added to the list of States which have stated that all the instruments adopted at the 43rd Session (1959) have been submitted to the competent authorities. These countries are Brazil, Colombia, Finland, Ghana, Hungary, Italy, Pakistan and Venezuela.

38. The Committee notes, moreover, that several countries have now supplied information on the submission to the competent authorities of several instruments adopted by the Conference since the 31st Session: this is the case particularly with regard to Colombia (the majority of instruments adopted since the 37th Session) and Peru (Recommendations Nos. 38 to 111).

39. The table in Appendix I to Chapter III of Part Two of the Committee's report shows the situation of each member State with regard to the obligation to submit the decisions of the Conference to the competent authorities.

General Assessment

40. The Committee also notes with satisfaction that certain countries which have recently attained sovereignty in the international field have satisfactorily fulfilled their obligations under article 19 of the Constitution of the I.L.O. as regards submission to the competent authorities of Conventions and Recommendations, giving effect particularly to the provisions contained in the Memorandum adopted by the Governing Body: this is the case as regards the Ivory Coast, which has supplied detailed information on the submission of the instruments adopted at the 45th Session and of the documents containing the proposals and comments of the Government on the

effect to be given to these instruments. Mention should also be made of Senegal, whose Government has supplied detailed reports which it proposes to lay before the National Assembly in the near future in relation to the instruments adopted at the 44th Session. The Committee considers that these examples are very encouraging, as regards the fulfilment of their constitutional obligations by the new member States of the Organisation, and it hopes that more cases of this type may be noted in its future reports.

41. The Committee notes that of the 83 States which were Members of the Organisation at the time of the 44th Session, 39 have stated that all the instruments adopted at this session have been submitted to the competent authorities. As in 1961, the Committee notes that the proportion of countries which have fulfilled their obligations this year as regards submission remains smaller than the number for the previous year. In these circumstances it hopes that the countries who have not yet supplied the information concerning the instruments adopted at the 44th Session will be able to state in the near future the measures taken to submit these instruments to the competent authorities. The Committee wishes to emphasise that the special character of the matters dealt with in certain of the above-mentioned instruments (ionising radiations) even if it explains this, ought not to constitute an obstacle to the fulfilment of the obligations resulting from article 19 of the Constitution, considering that, as has been pointed out on several occasions, "Conventions and Recommendations must be submitted to the competent authorities *in all cases*, whatever might be the measures envisaged by the government as regards ratification of Conventions or as to the effect to be given to Recommendations".

42. The individual observations made by the Committee regarding points in which it draws the special attention of the governments to the obligations provided for under article 19 are contained in the second part of its report. This year, the Committee feels itself bound, once more, to point out that in providing for the submission of Conventions and Recommendations to the competent authorities with a view to adopting legislative measures or other measures, article 19 of the Constitution of the I.L.O. implies that the competent authorities should at the same time be in a position to decide whether it is necessary or not to take the measures in question. It is evident that this condition cannot be implemented if the governments do not frame proposals or comments on the effect to be given to Conventions and Recommendations. The Committee hopes therefore that those governments which do not observe this procedure will find it possible in the future to present proposals or comments in this manner to the competent authorities. Furthermore, the Committee has been led to make once more this year certain individual observations with regard to the nature of the competent authorities to whom Conventions and Recommendations must be submitted. It hopes, once more, that some of the countries which up till the present did not consider it necessary to submit Conventions and Recommendations to the most representative legislative bodies will indicate in the near future the measures taken to this effect.

43. The Committee noted last year the exchange of views which took place in the Conference Committee in 1960 as regards the particular problems of federal States and the application of the special provisions provided for under article 19, paragraph 7. With a view to examining these problems as a whole the International Labour Office, in the Committee's name, has sent specially to the countries concerned a general request for information (which was contained in the Committee's report for 1960). Certain States have already replied to the request mentioned above. In order to collect as much information as possible, the Committee has asked the Office to address this request once more to the remaining countries. The Committee proposes to raise this question

again next year and hopes that the States concerned which have not yet answered will supply the relevant information in the near future.

VI. Reports Submitted by Governments on Unratified Conventions and on Recommendations

44. The reports which the governments were asked by the Governing Body to supply under article 19 of the Constitution relate to the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35); the Forced Labour (Regulation) Recommendation, 1930 (No. 36).

45. One member of the Committee, Mr. Gubinski, requested that the discussion of the draft general conclusions on the reports relating to Conventions and Recommendations dealing with forced labour and compulsion to labour be removed from the agenda of the Committee's present session. He proposed that an extraordinary session of the Committee should be called at the end of April or the beginning of May 1962 to consider this document. He based this proposal on the fact that the draft report dealt with problems of great importance which had a bearing on a wide range of social relationships and that it referred to an immense number of laws and regulations. He contended that the report accordingly required more thorough study and the analysis of a large number of legal documents. The document had been distributed to the members of the Committee as a whole during the present session, at which it was to be discussed. In Mr. Gubinski's view, this had made impossible sufficiently thorough prior consideration of this problem. At the same time Mr. Gubinski proposed that in future the drafts of this kind of document should be prepared sufficiently in advance so that they might be transmitted to all the members of the Committee at least one month before the Committee of Experts' session. Mr. Gubinski believed that this procedure would facilitate the experts' work by permitting fuller preliminary study.

46. While taking due note of Mr. Gubinski's remarks, the Committee considered that, in accordance with its terms of reference, it must examine the question of forced labour at its present session, since this matter had been placed on its agenda by a decision of the Governing Body of the International Labour Office. Nor did it appear possible, having regard to the budgetary implications and the other commitments of various members of the Committee, to call a special meeting of the Committee at the end of April or the beginning of May. The Committee further noted that the question of forced labour had been examined by a working party of four of its members, whom it had requested to undertake the preliminary examination of this question and prepare a text for submission to the Committee. This working party had met several days before the session of the Committee as a whole. This represents the normal procedure of the Committee in that it always assigns to one or more members of the Committee the preliminary examination of the various questions the Committee deals with for the purpose of submitting proposed texts to the Committee as a whole. Moreover, each member of the Committee is always able during the discussion to ask for explanations and to see the provisions relied on. This procedure has been followed in the present case. However, the Committee considers that the Office might examine, for future years, if necessary, the means by which the drafts of the general studies made by the working parties appointed by the Committee could be made available somewhat earlier than is at present the case.

47. The total number of reports requested this year in connection with the Conventions and Recommendations referred to in paragraph 44 was 468. The total received by the time the Committee met was 308, i.e. 65.8 per cent. A list showing the reports supplied by the various governments will be found in Appendix II to Part Three of this report.

48. The Committee's general conclusions arising from the examination of the reports submitted by the governments this year on the unratified Conventions and on the Recommendations will be found in Part Three of this report. The Committee has again this year included in these general conclusions a survey of the position in regard to the matters dealt with in countries which have ratified the Conventions in question. As indicated in paragraph 46 above, the Committee reached these conclusions on the basis of a preliminary examination of the question which was made by a working party comprising four members of the Committee having special experience regarding the subject of forced labour. As a result the total number of countries, metropolitan and non-metropolitan, to which the survey relates is no less than 168, i.e. 94 States Members of the Organisation and 74 non-metropolitan territories.

* * *

49. The Committee wishes to place on record its indebtedness to all the members of the staff of the International Labour Office who were concerned with the preparations for its current session and who were associated with the Committee in its work. The Committee is grateful for their devoted services which were again placed freely at the disposal of the Committee. It records its admiration for their specialised knowledge and skill and thanks them for their services.

Geneva, 27 March 1962.

(Signed) A. RAMASWAMI MUDALIAR,
Chairman.

H. S. KIRKALDY,
Reporter.

PART TWO

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

I. Observations concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution)

A. GENERAL OBSERVATIONS

Afghanistan. The Committee notes with interest the Government's assurance that the terms of all ratified Conventions are to be incorporated in new regulations which are currently being prepared. It trusts that the next reports will indicate in detail how these regulations give effect to these various instruments and will also reply to the observation previously made as regards the Protection of Wages Convention, 1949 (No. 95).

Albania. The Committee regrets that once again no reports have been received and that the Committee had therefore to confine its examination to the reports for the preceding period which arrived only during the 1961 Session of the Conference. The Committee must moreover repeat its direct request of 1960 concerning the Minimum Age (Agriculture) Convention, 1921 (No. 10).

The Government's persistent failure to supply its reports in time for the Committee's meeting and to eliminate the discrepancies previously noted gives rise to serious concern on the part of the Committee.

Argentina. The Committee noted with interest from the statement made by a Government representative in the Conference Committee in 1961 that the Minister of Labour and Social Security set up a Committee in May 1961 to study and propose the measures required to bring the existing legislation into conformity with the Conventions ratified by Argentina, taking particularly into account the observations of the Committee of Experts. Although under the Argentine Constitution Conventions approved by the Legislature become binding as law of the land, the setting up of the above Committee had been considered desirable having regard to certain court decisions which consider the existence of internal provisions necessary in order to incorporate the provisions of international Conventions into the national legislation.

In these circumstances the Committee particularly regrets that the reports on five Conventions (Nos. 22, 23, 32, 52 and 73) do not contain any information in response to previous observations and requests.

The Committee trusts that the work of the Committee set up by the Minister of Labour and Social Security will facilitate compliance with ratified Conventions and that future reports will reply to all the observations and requests.

Bolivia. The Committee regrets that the reports arrived only during the closing days of its meeting, so that their examination had to be postponed until its next session. This is all the more regrettable because the reports on three Conventions (Nos. 26, 42, 96) are the first since the ratifications of these instruments in 1954.

The reports also fail to 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 urges the Government to supply its future reports in time and to include all the information requested.

Brazil. The Committee notes with regret that a substantial proportion of the reports did not arrive until the middle of February, i.e. four months after the due date. Moreover, two-thirds of the reports contained no new information even in those cases where an observation or a request had previously been made (Conventions Nos. 19, 92, 101).

The Committee urges the Government to supply its future reports in time and to include all the information requested.

Bulgaria. The Committee notes with regret that those reports which were received arrived only shortly before the opening of its session. In addition, over half of these reports do not contain any new information. Finally, no reports have been supplied on four Conventions (Nos. 11, 44, 62, 68) in respect of which requests had previously been made and these requests must therefore be repeated.

The Committee urges the Government to supply its future reports in time and to include all the information requested.

Byelorussia. The Committee notes with regret that none of the reports due have arrived and that the requests on Conventions Nos. 10, 29, 52, 77, 78, 79 and 90 must therefore be repeated. The Committee urges the Government to supply its future reports in time and to include all the information requested.

Central African Republic. The Committee notes with regret that none of the reports due has arrived and that the requests on Conventions Nos. 4, 13, 33, 85 and 87 must therefore be repeated. The Committee urges the Government to supply its future reports in time and to include all the information requested.

China. The Committee notes with regret that the reports did not arrive until the middle of January, i.e. three months after the due date. It urges the Government to supply its future reports in time.

Colombia. In 1961 the Committee had noted that a comprehensive revision of the Labour Code had been placed before the Congress in October 1960 and that the Government hoped in this way to give effect to the Conventions ratified by Colombia. As this revision has not yet been completed the Committee has had to draw attention once again this year, under the instruments concerned, to the cases where divergencies continue to exist with certain of these Conventions.

It trusts that the early enactment of the new Labour Code will permit the elimination of these divergencies.

Cuba. The Committee notes with regret that the reports for the current period have not yet been received and that its examination must therefore be limited to the reports for the preceding period which arrived only at the beginning of the 1961 Session of the Conference. Moreover, these previous reports contained no information in response to the Committee's requests on Conventions Nos. 52, 78, 79 and 94.

The Committee urges the Government to supply its future reports in time and to include all the information requested.

Czechoslovakia. The Committee notes with regret that the report on the Forced Labour Convention, 1930 (No. 29), has not arrived and that the reports on two other Conventions (Nos. 19, 52) did not contain any new information. The Committee's previous observations and requests on these three instruments must therefore be repeated.

The Committee urges the Government to include all the information requested in its future reports.

Dahomey. The Committee notes with regret that the reports did not arrive until February, i.e. almost four months after the due date, and that most of them contain no new information. The Committee urges the Government to supply its future reports in time and to include all the information requested.

Denmark. The Committee notes that most of the reports received contain no new information. It trusts that future reports will contain all the information requested.

Dominican Republic. The Committee notes that over half the reports received contain no new information. No reports have moreover arrived on three Conventions (Nos. 29, 45, 79) in respect of which requests had previously been made and these requests must therefore be repeated.

The Committee urges the Government to supply in future all the information requested.

Ecuador. The Committee notes that copies of the reports have been communicated only to the representative organisations of workers. Under article 23, paragraph 2, of the I.L.O. Constitution such copies must also be communicated to the representative organisations of employers.

Gabon. The Committee notes with regret that none of the reports due has arrived and that the requests on Conventions Nos. 4, 6, 13, 33 and 85 must therefore be repeated. The Committee urges the Government to supply its future reports in time and to include all the information requested.

Guinea. In 1961 the Committee had expressed the hope that the Government would indicate in future reports whether copies thereof have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution. As again this year no reference is made to such communication, the Committee urges the Government to comply with this obligation in future.

Iceland. No reports have arrived on Conventions Nos. 2 and 29 in respect of which requests had previously been made and these requests must therefore be repeated.

Indonesia. The Committee notes with regret that the four reports due have not arrived. It urges the Government to supply its reports in future.

Iran. No report has arrived on the Forced Labour Convention, 1930 (No. 29), in respect of which a request had previously been made, and this request must therefore be repeated.

Iraq. The Committee notes that the Government does not indicate whether copies of the reports have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution. The Committee hopes that future reports will contain this information.

Israel. The Committee notes with regret that a substantial proportion of the reports did not arrive until the middle of January, i.e. over three months after the due date, including in particular two first reports (Conventions Nos. 88, 95), the examination of which had therefore to be postponed to the next session. The Committee urges the Government to supply its future reports in time.

Liberia. The Committee notes with regret that the reports received (Conventions Nos. 53, 55, 58) provide no information in response to the previous requests

and 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 urges the Government to include in its future reports all the information requested.

Libya. The Committee notes that the Government does not indicate whether copies of the reports have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution. The Committee hopes that future reports will contain this information.

Luxembourg. The Committee notes with regret that once again this year the Government has failed to supply four first reports (Conventions Nos. 26, 87, 89, 98) which have been due since 1960. Moreover, the first reports on Conventions Nos. 30 and 78 arrived only after the opening of the present session.

The Committee urges the Government to supply the first reports due without further delay.

Malaya. The Committee notes that over half of the reports contain no new information. It urges the Government to include in its future reports all the information requested.

Republic of Mali. The Committee notes with regret that only one of the 11 reports due has been received. It urges the Government to supply its future reports in time.

Nicaragua. For some years past the Committee has had to note that very little progress has been made in giving effect to many of the 26 Conventions by which this country is bound. The Government's failure to supply any of the reports due this year would seem to indicate that no material change has occurred in the situation during the past year. In these circumstances the Committee must repeat its previous observations as well as the requests made in respect of Conventions Nos. 10, 17, 18, 19, 24 and 25.

The Committee must draw the special attention of the Conference to the seriousness of the situation created by Nicaragua's disregard of its obligations under the Conventions it ratified almost 30 years ago.

Nigeria. The Committee notes that the great majority of the reports contain no new information even in those cases where requests had previously been made (Conventions Nos. 95, 105). The Committee trusts that the Government's future reports will include all the information requested.

Pakistan. The Committee notes with regret that the great majority of the reports contain no new information even in those cases where requests had previously been made (Conventions Nos. 89, 90, 96). The Committee trusts that the Government's future reports will include all the information requested.

Panama. The Committee had noted in 1961 that only one of the first reports due had been received. This year no reports whatever have been supplied, although first reports on three Conventions (Nos. 3, 12, 17) have been due since 1959, on three further Conventions (Nos. 52, 87, 100) since 1960 and are due on three more (Nos. 30, 42, 45) for the current period.

The Committee greatly regrets the Government's persistent disregard of its reporting obligations, which prevents the Committee from examining the effect given to the above instruments. It urges the Government to supply its reports without further delay.

Peru. The Committee notes with regret that the reports arrived only two weeks before the opening of its session, thus preventing it from examining the first reports

on two Conventions (Nos. 10, 25). The Committee urges the Government to supply its future reports in time.

Portugal. In a letter dated 30 November 1961 the Government informed the Director-General that "as regards the application of ratified Conventions it considers the Portuguese overseas provinces to constitute an integral part of the national territory of the Portuguese State". As the Committee has indicated in the past, it considers in such cases that all Conventions ratified by a member State become applicable *ipso jure* to the whole of the national territory, including those parts which had previously been considered non-metropolitan territory.

In its direct requests the Committee has asked for fuller information on the legislation and practice which give effect to the Conventions ratified by Portugal. It hopes that it will be in a position, on the basis of the Government's replies, to gain a full picture of the position following the Government's declaration of 30 November 1961. The Committee trusts that in those cases where complete conformity with a ratified Convention is not as yet ensured in all provinces of Portugal the necessary measures will be taken to this end.

The Committee notes, moreover, with regret that the reports did not arrive until later in January, i.e. over three months after the date due, and that three of these were first reports (Conventions Nos. 7, 12, 26) the examination of which could thus not be completed at this session. The Committee hopes that the future reports will be supplied in time.

Rumania. The Committee notes with regret that the reports did not arrive until late in February, i.e. over four months after the due date and that in two cases no information is provided in response to a previous observation or request (Conventions Nos. 87, 89). The Committee urges the Government to supply its future reports in time and to include all the information requested.

El Salvador. The Committee notes with regret that the reports due have not arrived and that the requests made in respect of the Conventions concerned (Nos. 12, 104, 105) must therefore be repeated. The Committee urges the Government to supply its future reports in time and to include all the information requested.

Somali Republic. The Committee notes with regret that the reports due have not arrived and that the requests made in respect of two Conventions (Nos. 94, 95) must therefore be repeated. The Committee urges the Government to supply its future reports in time and to include all the information requested.

Sudan. The Committee notes with regret that the reports due have not arrived and that the requests made in respect of the Conventions concerned (Nos. 12, 19, 29) must therefore be repeated. The Committee urges the Government to supply its future reports in time and to include all the information requested.

Togo. The Committee notes with regret that the reports due have not arrived and that the request previously made in respect of the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), must therefore be repeated. The Committee urges the Government to supply its future reports in time and to include all the information requested.

Ukraine. The Committee notes with regret that no information is provided in response to its previous requests on Conventions Nos. 77 and 78. The reports do not indicate, moreover, whether copies thereof have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution. The Committee urges the Government to include all the information requested in its future reports.

U.S.S.R. In 1961 the Committee had urged the Government to communicate as soon as possible the text of the Labour Codes in force in the various republics of the Union. In reply, a Government representative had informed the Conference Committee that these Codes had not been supplied because they were to be amended shortly to take account of the new basic principles of labour legislation, in the course of adoption. The Codes would be communicated as soon as the new texts were available.

These new Codes having not yet been received, the Committee is bound to point out that in the meantime it remains without the text of the legislation currently in force in the republics concerned. As the Committee has asked for this information since 1959 it urges the Government to comply with its request without further delay.

United Arab Republic. The Committee notes with regret that once again this year the Government has failed to supply the first reports on Conventions Nos. 96, 105 and 106 which have been due since 1960. Moreover, the first reports on Conventions Nos. 1, 14, 17, 18 and 107, which are due for the current period, have also not arrived. Finally, the reports received do not provide any information in response to the observation and requests made in respect of Conventions Nos. 29, 45, 52, 81, 88 and 101. The Committee urges the Government to supply all its reports in future and to include therein all the information requested.

Uruguay. In 1961 the Committee had noted with regret that none of the reports due had been received. It deplores all the more that once again this year the Government has failed to discharge its reporting obligation and that no information whatever has thus been made available for the past two years on the effect given by Uruguay to the 47 Conventions by which it is bound.

The Committee was informed in a letter received shortly before the opening of its present session that certain administrative measures are under consideration to facilitate the preparation of reports and to overcome the difficulties which in the past have delayed compliance with Uruguay's obligations as a Member of the International Labour Organisation. While taking due note of the Government's intentions, the Committee can only at this stage repeat its previous observations and requests regarding the following instruments: Conventions Nos. 1, 13, 17, 19, 24, 25, 27, 30, 32, 42, 43, 45, 52, 63, 67, 77, 78, 95, 97, 99, 101, 103.

The Committee draws the special attention of the Conference to this very serious situation.

Venezuela. The Committee notes with regret that no information is provided in response to previous requests regarding Conventions Nos. 6, 13, 22, 29, 41 and 45. The Committee trusts that future reports will contain all the information requested.

Yugoslavia. The Committee notes with regret that those reports which were received did not arrive until early in February, i.e. almost four months after the due date. Moreover the reports on Conventions Nos. 45 and 90 do not reply to the Committee's previous observation and request. Finally, no reports have arrived on two Conventions (Nos. 22, 48) in respect of which requests had previously been made and these requests must therefore be repeated.

The Committee must moreover refer once again to the points raised since 1959 as regards the application of ratified Conventions (1) by means of collective agreements in the case of workers employed by private employers (section 377 of the Act respecting Employment Relationships, 1957); (2) by means of legislation in the various republics in the case of domestic help, caretakers of buildings, workers engaged in local crafts, agricultural workers employed by private employers and other similar types of workers to whom under section 415 of the above Act its provisions cannot be

applied directly. The Committee greatly regrets the Government's repeated failure to provide this information.

The Committee urges the Government to supply its future reports in time and to include all the information requested.

B. INDIVIDUAL OBSERVATIONS

Convention No. 1: Hours of Work (Industry), 1919

Colombia (ratification: 1933). The Committee notes that the proposed comprehensive revision of the Labour Code—mentioned by the Government in several of its previous reports—has not yet been completed. It must therefore draw the Government's attention to the following points.

The Committee notes the Government's statement that no list has been established to specify the processes considered as necessarily continuous and where, in virtue of section 166 of the Labour Code, a 56-hour week may be worked. Since section 166 has been interpreted as applying to the loading and unloading of vessels (see the Government's statement to the Conference in 1957), and since such work cannot be considered as a necessarily continuous process for the purposes of Article 4 of the Convention, the Committee must ask the Government to take steps with a view to ensuring that the 56-hour week is 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" (Article 4 of the Convention).

The Committee notes that no provision appears to be made for the keeping of records of additional hours worked. It points out that Article 8, paragraph (1) (c), of the Convention specifically requires that the law or regulations shall fix the form of the records of additional hours to be kept by employers; it hopes therefore that the Government will take the necessary steps to ensure that this provision of the Convention shall be applied without delay, in all categories of industrial undertakings.

Dominican Republic (ratification: 1933). The Committee takes due note of the statement made by the Government to the Conference in 1961, and confirmed in a letter addressed to the I.L.O. on 28 July 1961, that every effort is to be made to take account of the Committee of Experts' observations in making the current revision of the Labour Code. As no further reference is made in the Government's report to the proposed revision of the Code, the Committee recalls that the observations already addressed to the Government read as follows:

1. The Government has repeatedly stated that consideration is being given to the modification of section 269 of the Labour Code, which excludes persons employed on transport vehicles operating between two or more municipalities from the scope of the hours of work provisions. The Committee hopes that such modification will shortly be introduced, so as to ensure that the average working hours of the road transport workers in question shall not exceed 48 per week.

2. The Government has stated that it is making a careful study of the measures suggested by the Committee in 1958 as regards undertakings which operate continuously. The Committee hopes that these measures will soon be taken and recalls that they relate to the following points:

- (i) 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.
- (ii) 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.
- (iii) 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.

(iv) The Government should supply a list of processes deemed to be necessarily continuous, as required under Article 7 (a) of the Convention.

3. The Committee notes that no provision seems to exist fixing the maximum number of additional hours over a given period of time which may be authorised in cases of exceptional pressure of work. It points out that Article 6, paragraph 2, of the Convention specifically requires that the maximum number of additional hours shall be fixed and it hopes therefore that the Government will take steps in the near future to ensure compliance with the provision. In this connection the Committee also points out that, in conformity with Article 6, paragraph 2, of the Convention, employers' and workers' organisations must be consulted as regards the maximum number of additional hours to be permitted.

The Committee recalls that the observations in question relate to divergencies to which attention was originally drawn in 1953, and trusts that all necessary measures are now being taken to ensure full conformity with the Convention.

Greece (ratification: 1920). The Committee recalls that observations have been addressed to the Government over the past 13 years as regards certain categories of railway workers who are required to work longer hours than those laid down in the Convention; it also recalls that the Government has repeatedly given undertakings to eliminate this discrepancy with the Convention and that it even went so far as to prepare a draft Royal Decree in 1958 providing for the extension of the hours of work provisions to the railway workers in question.

The Committee notes that at the Conference in 1961 the Government representative merely stated that it was not possible to give a formal promise that the necessary changes would be made by 1962, but that the attention of the Government would be drawn to the necessity of making every effort to find a rapid solution. The Committee now finds that, in its latest report, the Government makes no reference to this question.

The Committee must express its surprise and regret at the attitude thus adopted by the Government in regard to the observations which both the Committee of Experts and the Conference Committee have had to make since 1949, and which the Government itself has recognised to be well founded. It can only reiterate its deep regret that neither its own repeated observations over the past 13 years, nor the numerous calls addressed to the Government by Government, Employers' and Workers' representatives at the Conference, nor the definite undertakings given by the Government during this period, have resulted in measures ensuring the application of the Convention to all categories of railway workers.

In these circumstances the Committee considers that, unless appropriate action is taken by the Government before the next session of the Conference in June 1962, it will be necessary to draw the special attention of the Conference to this long-standing and regrettable violation of a ratified Convention.¹

Haiti (ratification: 1952). The Committee finds that in the Labour Code adopted on 6 October 1961 no account has been taken of the observations made in recent years regarding divergencies between the national legislation and the terms of the Convention.

The Committee must express its regret at the Government's failure to take steps with a view to fulfilling its obligations in respect to this Convention, or to clarify certain aspects of its legislation and practice. Consequently it finds it necessary to repeat its previous observations which were as follows (subject to modifications in the references to legislation):

Article 1 of the Convention. As regards section 105 of the Labour Code of 6 October 1961 (according to which the provisions restricting hours of work in sections 98 and 100 of the Code do

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

not apply to land transport services and to a number of other undertakings) the Government states (a) that these undertakings are not excluded from the provisions fixing maximum daily and weekly hours of work since section 105 contains the following proviso: "Provided that the said establishments shall either draw up a duty roster for the staff or else pay overtime"; and (b) that the undertakings in question are merely authorised to pursue their activities beyond the legal closing time but their staff is not in any way excluded from the protective measures regarding hours of work which are prescribed by law.

The Committee points out in this connection that section 105 of the Code as presently drafted clearly excludes the transport and other undertakings from section 98 (which fixes the 8 and 48-hour maxima) and section 100 (which fixes the maximum number of overtime hours) and that neither of these sections refers, to the legal closing time. As regards the Government's affirmation that the proviso to section 105 ensures the application to the undertakings in question of the hours of work provisions, the Committee points out that neither the obligation to draw up a duty roster nor the obligation to pay overtime can be considered as sufficient, in the absence of any other obligatory provision, to ensure that hours shall not exceed 8 a day or 48 a week, as required by Article 2 of the Convention.

The Committee hopes, therefore, that the Government will take steps to modify section 105 of the Code of 1961 so as to ensure that the undertakings, such as land transport services, which are specifically covered by the Convention, are no longer excluded from the provisions restricting hours of work in sections 98 and 100 of the Code.

Article 5. The Committee would appreciate a statement from the Government in its next report indicating whether or not recourse is had to this permissive clause.

Article 6. The Committee notes the Government's statement that abuses as regards the number of additional hours worked were prevented by section 100 of the Code, which provides that recourse may be had to overtime with the approval of the labour inspector and after consultation with the workers' organisations and that hours of overtime may be prohibited in periods of unemployment. The Committee appreciates the restrictive value of this provision but points out that Article 6, paragraph 2, of the Convention specifically requires that regulations made by public authorities shall fix the maximum number of additional hours. It hopes, therefore, that steps will be taken to ensure the application of this provision of the Convention by the adoption of appropriate regulations for industrial undertakings.

Article 7, paragraph (a). The Government indicates the categories of undertakings authorised to operate continuously; the Committee would be glad to know whether these are the only undertakings falling under section 105 of the Code, which authorises a 56-hour week in certain processes required to be carried out continuously.

Article 8, paragraph 1. The Committee would be glad if the Government would supply specimen copies of the notices to be posted up by employers in virtue of section 109 of the Code, as requested in the report form.

Article 8, paragraph 2. The last paragraph of section 109 of the Code provides that "it shall be unlawful to employ a person outside the hours fixed in virtue of paragraph (b) of this section". As paragraph (b) refers to rest periods, the Committee wonders whether it was not the intention of the legislature to prohibit employment outside the established working hours, i.e. outside the hours fixed in virtue of paragraph (a) of section 109 of the Code.

The Committee notes that section 44 of the Appendix to the Labour Code provides for the repeal of all Acts or provisions of Acts which are contrary thereto. It would be glad to know whether section 1, fifth paragraph, of the Act of 5 May 1948 is now considered as repealed (this clause provided that time spent by an employee in rectifying errors for which he was responsible should not be counted as overtime).

The Committee trusts that the Government's next report will show that measures have been taken to ensure the full application of the Convention and will contain detailed information on all the above points.¹

Spain (ratification: 1929). The Committee notes with interest that, following observations made on hours of work in road transport, an order was issued on 22 May 1961 to modify the National Labour Regulations respecting Road Transport so as to ensure that normal working hours should be reduced from 72 to 48 per week,

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

that the number of additional hours permitted should be strictly limited and that overtime pay should be increased (a direct request regarding certain excluded categories of workers is being addressed to the Government).

The Committee also notes that the Government again refers in its report to the adoption of new general legislation on the subject of hours of work, and that it indicates that the supply by the Committee of full information on any differences between the national legislation and the Convention would prove useful in this connection.

The Committee considers that, in these circumstances, it may be appropriate for it to indicate the difficulties it has experienced in attempting to ascertain the exact position as regards hours of work in Spain. Briefly, the position would seem to be as follows. In the first place the Acts of 9 September 1931 and 13 July 1940 provide, respectively, for maximum daily working hours and for weekly rest, and the exceptions which may be authorised in given circumstances and subject to certain conditions. In the second place, labour regulations of national, provincial, district or local application lay down prescriptions regarding hours of work, remuneration for and calculation of overtime, rest periods, etc; these labour regulations must be approved by the General Directorate of Labour (Decree of 29 March 1941 respecting labour regulations).

The Committee finds, however, that there is no strict hierarchy between the general labour legislation and the labour regulations so that even if the Acts of 1931 and 1940 ensured full conformity with Conventions Nos. 1 and 30, it would still not be possible to conclude that the Conventions were in fact applied. In reply to observations on this point, the Government has indicated that in case of any divergency between the law and the labour regulations, it is the provisions ensuring the more favourable conditions for workers which prevail, whether they are contained in an Act or in labour regulations. Whilst appreciating the validity of this principle, the Committee must point out that in the absence of any possibility of appealing against the validity of labour regulations, it seems that even labour regulations providing for less favourable conditions than those prescribed by law cannot be questioned and will necessarily be enforced.

There would, therefore, seem to be no alternative to the procedure, suggested by the Government, that the Committee should examine all labour regulations with a view to ascertaining whether they are in conformity with Conventions Nos. 1 and 30. This procedure would appear, at first sight, to be reasonable and the Committee has already had occasion to note that in a great many cases the labour regulations ensure conditions as good as, or even better than, those laid down in Conventions Nos. 1 and 30. Similarly the Committee has no doubt that if certain labour regulations were shown to contain provisions contrary to the Conventions the Government would, as on past occasions, take the necessary steps with a view to ensuring conformity.

In these circumstances the Committee regrets all the more that it is not materially possible for it to examine all labour regulations. Thus if it is borne in mind that, on the national level alone, there are separate regulations for each industry, that these regulations appear to be modified regularly, and that in addition there are a large number of provincial, district and local regulations (not published in the State Official Bulletin and not available in the I.L.O.), it will be understood that the Committee cannot undertake to ascertain, on the basis of these texts, the extent to which effect is given to the Conventions.

Consequently the Committee trusts that measures will be taken to specify clearly, either in the proposed new text respecting hours of work, or otherwise, that certain minimum requirements respecting hours of work—corresponding with those of Con-

ventions Nos. 1 and 30—must be respected in the national, provincial, district and local labour regulations, it being understood, of course, that the authorities issuing the regulations may prescribe more favourable conditions within the framework of the general legislative text.

Finally, in so far as the explanations supplied in respect to the requests addressed directly to the Government do not show full conformity between the legislation and Conventions Nos. 1 and 30, the Committee hopes that full account will be taken of its comments on these points in preparing the comprehensive text on hours of work.

The Committee expresses the earnest hope that the above brief review of its difficulties in ascertaining the position as regards hours of work in Spain will prove useful, that the Government will be able to proceed without delay with the preparation of the proposed new text on hours of work and that the full application of Conventions Nos. 1 and 30 will thereby be assured.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Greece, Spain, Uruguay.*

Convention No. 2: Unemployment, 1919

Austria (ratification: 1924). The Committee thanks the Government for its detailed report on various aspects of employment of nationals and foreigners but notes with regret that, in spite of the assurances given since 1956, the necessary legislative action with a view to giving effect to Article 2, paragraph 2, of the Convention (co-ordination of the operations of public and private employment agencies) has not yet been taken.

The Committee urges the Government to take appropriate measures in the near future so that this provision of the Convention may be applied without further delay.

Bulgaria (ratification: 1922). The Committee notes that the Government denounced this Convention in July 1960.

Chile (ratification: 1933). The Committee notes from the Government's reply to its observation of 1961 that except for the setting up of a pilot employment service in Santiago no progress has been made towards the full application of Article 2 of the Convention providing for the establishment of a system of free public employment agencies under the control of a central authority. The reasons pointed out by the Government are the difficult economic situation and the lack of personnel. The Committee recalls that in previous years the adoption of practical measures was delayed by the need for technical assistance which was provided by the I.L.O. in 1956.

As sections 11 and 39 of the Legislative Decree No. 308 of 6 April 1960 provide the basis for the setting up of a system of free public employment agencies and the adoption of additional measures for the appointment of advisory committees, as the Convention was ratified 28 years ago and as the question of its application has been the subject of observations since 1950, the Committee urges the Government to take measures to give full effect to the Convention, by setting up a system of free public

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

employment agencies, and by the appointment of advisory committees including representatives of employers and workers.¹

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1959-61 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 legislative texts attached to the report for 1958-59. It notes that a Bill relating to the setting up of employment agencies was to be submitted by the Executive to the General Assembly in virtue of section 24 of the Act of 23 October 1958 within 120 days of the date of this Act. However, since no information has been supplied regarding the measures taken under this section, the Committee can only refer to its previous observations and urge that the application of the provisions of the Convention concerning the setting up of an employment service should finally be ensured, both by legislation and in practice.

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: *Finland, Iceland, Ireland, Rumania, Sudan, Venezuela*.

Convention No. 3: Maternity Protection, 1919

Colombia (ratification: 1933). The Committee noted the information supplied by the Government in its report and learned with interest that the new Labour Code, the draft of which is being considered by the Chamber of Deputies, is aimed at amending some of the discrepancies pointed out in previous observations, particularly with regard to Article 3, paragraphs (a) and (b) (period of maternity leave increased to 12 weeks) and paragraph (d) (two interruptions for nursing increased to half an hour each).

With regard to Article 3, paragraph (c), the Committee notes that the draft Labour Code (section 94) still provides that the cost of maternity benefit shall be borne by the employer, contrary to the Convention, which provides that such benefit shall be payable out of public funds or by means of a system of insurance.

With regard to Article 4, the draft Labour Code would seem to allow dismissal of a woman worker because of pregnancy, confinement and nursing, subject to the authorisation of the Labour Inspector or, lacking that, of the competent municipal authorities (sections 99 and 100). This is contrary to the Convention, which provides that it shall not be lawful to give a woman worker notice of dismissal during her absence arising out of pregnancy or confinement or as a result of illness medically certified to arise out of pregnancy or confinement, or to give her notice of dismissal at such a time that the notice would expire during such absence.

The Committee draws the Government's attention once again to these discrepancies and trusts that full account of the above observations will be taken in the draft Labour Code in question. The Committee also hopes that the draft Labour Code, amended as indicated above, will be adopted very shortly and that the Government will not fail to supply information on the progress made to this effect in its next report.

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¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

In addition, requests regarding certain other points are being addressed directly to the following States: *Colombia, Cuba*.

Convention No. 4: Night Work (Women), 1919

Albania (ratification: 1932). In its report for the period 1959-60, which was received too late to be examined in 1961, the Government stated, in reply to the Committee's observation, that it was examining the problems arising from the divergencies existing between the Convention and the legislation in force. The Committee regrets all the more that the report for 1960-61 has not been received and is bound therefore, to repeat its previous observation, which was as follows:

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1958 that night work by women had been permitted as an exceptional measure in one textile factory and that efforts were being made to replace women workers by men. The Committee wishes to point out that the Convention prohibits night work for all women employed in undertakings specified in Article 1 except in cases of *force majeure* and where the work has to do with materials which are subject to rapid deterioration (Article 4).

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

Austria (ratification: 1924). See under Convention No. 89.

Chile (ratification: 1931). A Government representative informed the Conference Committee in 1960 that a Bill to extend section 48 of the Labour Code to private employees had been submitted to the Executive. Since the report contains no information on any progress made in this connection, the Committee must repeat its previous observation, which was as follows:

Chilean legislation is not in conformity with the Convention, as the prohibition of night work contained in Part II, section 48, of the Labour Code of 1931 applies only to wage earners defined in section 2, paragraph 3, of the Code as manual workers, while Article 3 of the Convention relates to all women employed in industrial undertakings, whether they are engaged on manual work or not. The first observation on this point was made by the Committee of Experts over 20 years ago.

The Committee once again draws attention to the need for giving full effect to the Convention without further delay.¹

Colombia (ratification: 1933). The Committee notes from the report that the draft Labour Code which has been submitted to Parliament contains a provision for the prohibition of night work of all women. The Committee trusts that this Code will be enacted at an early date, thus giving effect to a Convention which hitherto has not been applied in Colombia.

Czechoslovakia (ratification: 1950). See under Convention No. 89.

Morocco (ratification: 1956). The Committee notes with satisfaction from the Government's reply to its request of 1960 that the second paragraph of section 15 of the Decree dated 2 July 1947 (which provided for the possibility of making exceptions from the prohibition of night work other than those specified in Article 4 of the Convention) has been repealed by the Decree of 16 January 1962.

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

The Committee notes that a draft Bill designed to prohibit the employment of women at night in industrial undertakings has been prepared and is ready for submission to Parliament.

The Committee can only express the hope once again that legislation giving effect to the provisions of the Convention will be adopted without further delay.¹

Peru (ratification: 1945). The Committee notes with regret that, in spite of repeated observations, the Government has failed to take any measures to eliminate the discrepancy which exists between section 10 of Act No. 2851 of 1918 and Article 6 of the Convention. The Committee is therefore bound to point out once more that the extension of hours of work of women to ten in each day (on not more than 60 days of the year) permitted under the Act may involve a reduction of their night rest to a period less than the ten hours prescribed by Article 6 of the Convention as a limit to which the night period may be reduced (only in seasonal undertakings and in exceptional circumstances).

The Committee urges the Government to take the necessary measures to bring its legislation into full conformity with the Convention on this point without further delay.

Spain (ratification: 1932). Further to its observation of 1960, the Committee notes with satisfaction that a resolution of 10 May 1960 requires a nightly rest period of 11 hours for women employed in textile undertakings, including a prohibited interval between 10 p.m. and 5 a.m. (Article 2 of the Convention).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Chad, Congo (Brazzaville), Czechoslovakia, Gabon, Portugal, Tunisia*.

Convention No. 5: Minimum Age (Industry), 1919

Albania (ratification: 1932). See under Convention No. 59 (keeping of registers).

Haiti (ratification: 1955). The Committee takes note of the provisions of the Labour Code of 6 October 1961 relating to the employment of minors. While section 396 of this Code prohibits the employment of persons under the age of 18 years in unhealthy or dangerous work, there appears to be no provision which, as required by Article 2 of the Convention, specifically prohibits the employment of children under the age of 14 years in public or private industrial undertakings.

The Committee recalls the observations which it made in 1959, 1960 and 1961 and the Government's statement in its reports for 1958/59 and 1959/60 that the discrepancy which exists between the national legislation and the main provision of the Convention would be removed. The Committee hopes that an amendment of the Labour Code will be passed at an early date to secure conformity with the requirements of the Convention.¹

Convention No. 6: Night Work of Young Persons (Industry), 1919

Albania (ratification: 1932). The Committee noted with interest from the report for the period of 1959-60, which unfortunately was received too late to be examined in 1961, that the Government was examining the measures to be taken to ensure in the

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

near future the complete application of the Convention which prohibits any kind of night work in industry by young persons under 18 years of age, except work to be carried on continuously in the five categories of industries specified in Article 2, paragraph 2.

Since no further report has been received, the Committee must once again urge the Government to amend its legislation, and in particular, section 56 of the Labour Code, to bring it into full conformity with the above-mentioned requirements.¹

Chile (ratification: 1925). The Committee notes with interest from the information supplied in reply to the direct request of 1960 that a Bill has been prepared to ensure application of the Convention to all young persons in industrial undertakings, whether engaged on manual work or not. The Committee trusts that this legislation will soon be adopted.

France (ratification: 1925). The Government stated in the Conference Committee in 1960 that it was considering what administrative measures might be taken, as suggested in the observation of 1960, to bring to the notice of all concerned (workers, employers and the labour inspectorate) that all bakeries are covered by the provisions of sections 21, 22 and 23 of Book II of the Labour Code, and to revoke the circular of 4 July 1894 informing the labour inspectorate that under the opinion given by the Council of State, small-scale food industries, including bakeries, were not industrial in character and therefore not covered by the provisions of the above sections.

The Committee notes with regret that the report for 1959-61 contains no information whatever on any measures taken to this effect. It trusts that the Government will make every effort to ensure that full effect is given to the Convention in the above-mentioned industries.

Hungary (ratification: 1928). The Committee notes the statement made by a Government representative to the Conference Committee in 1961, indicating that there was a constant decrease in the number of young persons between 16 and 18 years of age who were employed at night, that the Government was making every effort to ensure further progress in this field and that a strict medical examination of the young persons working at night had been introduced. The Committee regrets however that the report contains no new information whatever. As the night work of young persons between 16 and 18 years of age is not formally prohibited, as provided for in Article 2 of the Convention (subject to exceptions in a limited number of industries), the Committee urges the Government to take, in the near future, the measures to which it has referred since 1957 in order to ensure strict conformity between the national law and practice and the Convention.¹

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its observation of 1960, which was as follows:

The Committee must note once again that legislation prohibiting night work of young persons has not been adopted as yet. The Convention continues thus not to be applied 26 years after its ratification. The Committee urges the Government to take the necessary measures at an early date with a view to giving effect to the Convention.

Rumania (ratification: 1921). The Committee notes that the report does not indicate any progress in removing the discrepancies between the legislation and the Convention as to section 50 of the Labour Code (which defines "night" as an

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

eight-hour period only) and as to section 85 (exceptions from the night work prohibition). The Committee must therefore reiterate the observations made since 1957 and urges the Government to take the necessary measures to bring the legislation into full conformity with the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Cameroun, Dahomey, Denmark, France, Gabon, Guinea, Ireland, Malagasy Republic, Mauritania, Portugal, Rumania, Senegal, Spain, Togo, Tunisia, Upper Volta, Venezuela, Viet-Nam.*

Convention No. 7: Minimum Age (Sea), 1920

Belgium (ratification: 1925). See under Convention No. 58.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Colombia, Portugal.*

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

Colombia (ratification : 1933). The Committee has noted that the reports on Conventions Nos. 8, 9, 16, 22 and 23 make no mention of the draft Labour Code which is to bring the national legislation into harmony with the provisions of the Conventions ratified by Colombia, a draft to which the Government has referred several times since 1958.

Furthermore, the Committee has noted from the Government's reports that no new measure has been introduced making any change in the existing situation with regard to the application of the above Conventions. Only the report on Convention No. 8 mentions a collective agreement concluded in June 1961 between the *Flota mercante grancolombiana* and the Union of Seamen of the Colombian Mercantile Marine, which is the subject of a direct request made to the Government.

The reports on Conventions Nos. 22 and 23 refer to certain provisions of the Maritime Commercial Code of 1936, which had not been mentioned in previous reports but which appears to give effect only partially to some of the provisions of these Conventions. Lastly, the reports on Conventions Nos. 9 and 16 do not contain new information on the adoption of the legislative provisions called for by the Convention.

Consequently, the Committee can only insist once again that the Government take measures as soon as possible to introduce legislation giving effect to the provisions of the above-mentioned Conventions which were ratified by Colombia about 30 years ago.¹

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Mexico (ratification: 1937). The Committee has noted with regret that, unlike the report for the period 1958-60, the Government's reply to the observation made in 1961 does not mention the Government's intention of amending section 126, paragraph XII, of the Federal Labour Act with a view to bringing it into conformity with the Convention. According to this section, the payment of unemployment benefit to seafarers whose contract of employment is terminated due to fortuitous circumstances or *force majeure* is made dependent on the existence of insurance coverage and the effective payment of his claim to the employer, neither of which conditions is provided for under Article 2 of the Convention.

It would appear from the Government's reply to the observation made in 1961 that, in actual fact, section 126, paragraph XII, of the Federal Labour Act is applied by the maritime authorities without making the payment of unemployment benefit dependent on the above-mentioned conditions. In the circumstances, the Committee must once again urge the Government to take steps finally to eliminate the discrepancy between the present wording of section 126, paragraph XII, of the Federal Labour Act and the provisions of Article 2 of the Convention, which was ratified by Mexico 25 years ago.¹

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In addition, a request regarding certain other points is being addressed directly to *Colombia*.

Convention No. 9: Placing of Seamen, 1920

Colombia (ratification: 1933). See under Convention No. 8.

Convention No. 10: Minimum Age (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States: *Albania, Byelorussia, Nicaragua, Norway, U.S.S.R.*

Convention No. 11: Right of Association (Agriculture), 1921

Chile (ratification: 1925). The Committee notes that a Bill to amend the legislation relating to agricultural workers' unions is now before the Senate. It notes with interest that this text, as at present drafted, accords to organisations of agricultural workers rights equivalent to those of other workers with respect to the protection of trade union officers and the right of occupational organisations to set up federations and confederations.

The Committee notes with regret, however, that the Bill does not affect the majority of the restrictions which the legislation has placed on the rights of agricultural workers since 1947.

1. While the Bill now under discussion eases the requirements laid down in section 443 of the Labour Code with respect to the constitution of agricultural workers' trade unions, it still prescribes the two following conditions: that the

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

founders of the union shall have had a minimum period of continuous service on the estate whose workers are represented and that they must represent at least 40 per cent. of the workers on that estate. These conditions, as the Committee has pointed out for several years, result in denying to seasonal or casual agricultural workers the right to set up trade unions and even make it impossible to form a trade union on estates which employ a large proportion of seasonal or casual workers.

2. According to section 426 of the Labour Code, agricultural workers can constitute a trade union only within the limits of the agricultural undertaking; agricultural workers, therefore, are deprived by law of the right to set up trade unions extending beyond the limits of one undertaking, whereas section 366 of the Code permits workers in industry to set up occupational trade unions as well as works unions.

3. Again, comparison between the legislative provisions applicable to trade unions of industrial workers having chosen the form of the works union and regulations applicable to trade unions of agricultural workers also reveals differences in treatment, some of which have the effect of limiting considerably the right to combine of agricultural workers. Thus, with respect to the administration of their funds, the trade unions of agricultural workers are subject to stricter rules than those of industrial workers. Further, under section 470 (section 53 of Act No. 8811) unions of agricultural workers may not present statements of claims "during the sowing and harvesting periods, which are fixed in each zone by regulations, the duration of each being at least 60 days. Claims may not be presented more than once a year." As the Committee has already emphasised, and especially in 1952, such a restriction, which has no equivalent in the legislation relating to industrial workers—who apparently may present claims at any time (section 505)—leads in practice to a denial to agricultural workers of any right to organise effectively, particularly in the case of seasonal or casual workers who, in agriculture, often represent a considerable proportion of the workers employed.

4. In these circumstances, the Committee, noting further that the commission set up to study the revision of the Labour Code and, especially, of the provisions relating to the right of association of agricultural workers, has not yet finished its work, observes that little progress has been made towards putting an end to the divergencies which have existed for many years between the legislation and the Convention. It can only express the hope, once again, that the Government will make every effort to fulfil the international obligations which it undertook on ratifying the Convention and will indicate, at the 46th Session of the Conference, if any progress has been achieved in this connection.¹

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1959-61 has not been received. Consequently, it finds itself obliged to repeat its earlier observation, which was in the following terms:

... 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:

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

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 measures without further delay.

Ukraine (ratification: 1956). With regard to workers who are members of *kolkhozes* and persons engaged in agriculture in the non-socialised sector of the economy, see under Convention No. 87.

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In addition, a request regarding certain points is being addressed directly to *Bulgaria*.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States: *Argentina, Colombia, Portugal, El Salvador*.

Convention No. 13: White Lead (Painting), 1921

Argentina (ratification: 1936). Following the observations and requests which it has been making for many years, the Committee takes note of the Government's statement in its report to the effect that the committee appointed to study ways and means of bringing the national legislation into conformity with the provisions of the Convention is carrying on its work in consultation with the employers' and workers' organisations concerned in accordance with the provisions of Article 1, paragraph 1, of the Convention.

The Committee, therefore, hopes that the Government will adopt as soon as possible legislation giving full effect to this Convention which was ratified in 1936—

- (a) defining, as regards areas of Argentina other than the city of Buenos Aires (where the use of paint containing white lead is generally prohibited) paint operations in which the use of white lead, sulphate of lead and any product containing these pigments is necessary;
- (b) prescribing detailed provisions corresponding to those of the Convention for operations where the use of such substances is not prohibited (Articles 5, 6 and 7 of the Convention).

Bulgaria (ratification: 1925). The Committee notes with interest that an ordinance containing a general prohibition of the use of white lead in painting is being prepared. It hopes that this ordinance will be adopted in the near future.

Colombia (ratification: 1933). The Committee takes note of the report on the period 1958-60, which arrived too late to be examined in 1961, and notes that, once the draft Labour Code now under consideration by Parliament is adopted, section 296 of the draft will give effect to Article 3 of the Convention (prohibition of employment of women and young persons under the age of 18 years in painting work of an industrial character). On the other hand, the report gives no indication as to the intentions of the Government regarding the adoption of legislative measures to ensure the application of the other Articles of the Convention to which effect has not been given up till now.

The Committee is therefore obliged to draw the Government's attention once again to the need for positive measures to be taken as soon as possible to bring the national legislation into conformity with all the provisions of the Convention, whose ratification by Colombia dates back to 1933.

Guinea (ratification: 1959). 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.

Italy (ratification: 1952). The Committee takes note with satisfaction of Act No. 706 dated 19 July 1961 respecting the use of white lead in painting, which was promulgated following the observations and requests formulated by the Committee in previous years.

Mexico (ratification: 1938). The Committee takes note of the detailed report of the Government and the explanations given in reply to the observation made in 1960. The Government refers to Article 6 of the Convention which, it feels, leaves full latitude to employers to regulate the application of Articles 1 to 5 as they think fit. Hence it concludes that, white lead not being in use in Mexico, no additional regulations are necessary and that its obligations with regard to the Convention have been fulfilled.

The Committee wishes to draw the Government's attention to the fact that, as its wording clearly shows, Article 6 of the Convention is not intended to leave States having ratified the Convention the choice between adopting or not adopting regulations giving effect to Articles 1 to 5. In fact, under Article 1, "Each Member of the International Labour Organisation ratifying the . . . Convention undertakes to prohibit . . . the use of white lead", etc., and Articles 3 and 5 lay down similar obligations. The purpose of Article 6 is "to ensure the observance of the regulations prescribed by virtue of the foregoing Articles"; the competent authority must take such steps as it considers necessary to that end, after consultation with the employers' and workers' organisations concerned.

Consequently, the Committee must again urge the Government to reconsider the matter with a view to preparing regulations prohibiting the use of white lead in all painting operations without exception, as a Government representative had assured the Conference Committee in 1960 would be done.¹

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¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Chad, Congo (Brazzaville), Dahomey, Finland, Gabon, Hungary, Italy, Ivory Coast, Malagasy Republic, Mauritania, Niger, Poland, Rumania, Senegal, Spain, Upper Volta, Uruguay, Venezuela.*

Convention No. 14: Weekly Rest (Industry), 1921

Requests regarding certain points are being addressed directly to the following States: *Congo (Leopoldville), Gabon, Republic of Mali.*

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921

Requests regarding certain points are being addressed directly to the following States: *Colombia, Cuba, Switzerland.*

Convention No. 16: Medical Examination of Young Persons (Sea), 1921

Ceylon (ratification: 1951). The Committee has noted from the Government's reply to its direct requests made in 1959 and 1960 that steps have been taken to prepare rules under the Merchant Navy Act, No. 7 of 1953, in order to give effect to Articles 2 and 3 of the Convention. The Committee hopes that the new rules will be brought into force in the near future.

Colombia (ratification: 1933). See under Convention No. 8.

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee regrets to note that, in spite of repeated promises made by the Government that the Ministry of Social Welfare would issue regulations to give effect to the Convention, the latter is still not applied, as there exist no provisions making the employment of persons under 18 years on vessels subject to the production of a medical certificate (Article 2 of the Convention) and requiring the renewal of the medical examination at intervals of not more than one year (Article 3).

The Committee insists once again that the necessary legislation be adopted to give effect to the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay in order to give effect to the Convention, which was ratified 27 years ago.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Ghana, Poland, Sierra Leone.*

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Convention No. 17: Workmen's Compensation (Accidents), 1925

Chile (ratification: 1931). The Committee notes with regret that the last report of the Government makes no mention of the Bill to establish compulsory employment injury insurance in Chile, which was to amend section 276 of the Labour Code and which, according to the report for 1959-60, had been submitted to the National Congress. In the circumstances, the Committee can only urge the Government again to bring section 276 (relating to compensation for partial permanent incapacity) into conformity with Article 5 of the Convention, which provides for payment of a pension in the case of permanent incapacity. The Committee must remind the Government that the Convention was ratified in 1931 and that this discrepancy has been repeatedly pointed out since 1934.¹

Colombia (ratification: 1933). The Committee has taken note with interest of the information supplied by the Government, particularly as regards the adoption of Decree No. 1698 of 1960 to approve the general regulations on compulsory insurance for employment injury and occupational disease. The Committee has noted that, by virtue of section 48 of these regulations, the Colombian Social Insurance Institute "will gradually take over employment injury and occupational disease insurance for the various sectors of activity and categories of undertakings and for the various areas of the country, following a procedure to be determined by special regulations". The Committee would be grateful if the Government would indicate the extent to which these regulations are at present applied and whether the special regulations referred to have been adopted; if so, it would be glad to have the text thereof.

In previous years, the Committee has pointed out the various divergencies between the national legislation and the provisions of this Convention. The above-mentioned regulations eliminate some of these divergencies but allow others to remain. Moreover, as they are to be applied in stages, the Committee understands that the earlier situation subsists in a great part of the country. The Committee therefore outlines below, for each of the Articles of the Convention, the situation under the general legislation and the above-mentioned regulations.

Article 2 of the Convention. A series of exceptions are established under sections 225 to 228 of the Labour Code which exceed those allowed under Article 2 of the Convention: handicraft undertakings which employ no more than five workers and undertakings whose capital is less than 10,000 pesos (in this case the employer's liability is limited to first aid); undertakings whose capital is between 10,000 and 50,000 pesos and between 50,000 and 125,000 pesos (in these two categories of undertakings the employer's responsibility is limited to first aid in case of employment injury and to a certain amount of medical aid in case of incapacity; undertakings in the latter category must also pay 50 per cent. of the cash benefit provided for under the general legislation).

Decree No. 1698 also establishes an exception for workers who work less than 90 days during the year, whereas Article 2 of the Convention allows an exception for "employment of a casual nature" only in the case of persons who are employed "otherwise than for the purpose of the employer's trade or business".

Article 3. The Committee has noted that workers in public administration and state undertakings are at present covered by the Sixth Act of 1945 until such time as special provisions regulating conditions of employment—now being prepared—

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

shall be prescribed for these categories of workers. Since the provisions of this Act are substantially the same as those of the Labour Code, the Committee hopes that the points raised will be taken into account and that the text eventually adopted will guarantee that such workers are covered by a "special scheme, the terms of which are not less favourable than those of the Convention", as provided for under this Article.

Article 5. Under section 206 of the Labour Code, compensation for employment injury is payable only in the form of a lump sum, whereas this Article of the Convention provides that "the compensation payable to the injured workman, or his dependants where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments" and may be paid wholly or partially in a lump sum only "if the competent authority is satisfied that it will be properly utilised".

Decree No. 1698 although it uses the term "renta" under section 13 relating to permanent partial incapacity, contains no provision equivalent to that of Article 5 of the Convention, since it establishes that an injured workman suffering from permanent incapacity "shall be entitled for up to *two (2) years* to a monthly pension proportionate to his incapacity to earn a living and calculated on the basis of two-thirds of his basic wages". This restriction placed on the period during which benefits are paid for permanent partial incapacity runs counter to Article 5 of the Convention, which provides for no such limitation. Even though section 14 provides that the pension may be prolonged for more than two years, if the Technical Committee of the Occupational Hazards Department thinks fit, the Committee considers that this provision leaves it open to the said body to decide whether or not to prolong the pension, whereas the Convention stipulates that such compensation "shall be paid" to the injured workman or his dependants "in the form of periodical payments" and allows no scope for discretionary powers to be exercised by anybody whatsoever.

Articles 9 and 10. By virtue of section 206 of the Labour Code, medical, surgical and pharmaceutical aid and hospitalisation, as well as assistance connected with artificial limbs and surgical appliances, are restricted to two years from the time of the injury. This limitation is not in accordance with Articles 9 and 10 of the Convention, which require these two kinds of assistance to be granted so long as they are "recognised to be necessary".

Decree No. 1698 refers, under sections 7 and 38, to medical, surgical, orthopaedic and hospital aid and to the supply of the necessary artificial limbs, and provides that this is to be governed "by the relevant regulations". The Committee would like to have the text of these regulations; should they not yet have been adopted, it points out that under Article 10 of the Convention, injured workmen are entitled not only to the supply but also to the renewal of artificial limbs and surgical appliances, and that supervisory measures must be provided to prevent abuses in connection with the renewal of such appliances and to ensure that any additional compensation provided for this purpose is properly used.

Article 11. The fact that debts arising out of employment contracts are privileged debts under section 2494 of the Civil Code is not sufficient to guarantee "in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or, in the case of death, to their dependants".

With regard to Decree No. 1698, the Committee would be grateful if the Government would indicate what measures exist to cover the event of the Colombian Social Insurance Institute's insolvency and to guarantee "in all circumstances" that the proper compensation will be paid to injured workmen or their dependants.

The Committee hopes that the Government will take the necessary measures to bring the national legislation into conformity with the provisions of the Convention, which it ratified in 1933.

Haiti (ratification: 1955). The Committee notes with satisfaction that the sections relating to social security of the newly promulgated Labour Code have amended several provisions which had been the subject of direct requests by the Committee. The amended text no longer excludes from the scope of the Social Security Act alien technical workers having resided in Haiti for less than one year; it also provides guarantees regarding the conversion into a lump sum of pensions awarded to injured workers and provides for the renewal of artificial limbs and surgical appliances.

New Zealand (ratification: 1938). The Committee has taken note of the information supplied by the Government in reply to the various points raised in the observation made in 1960, and has the following comments to make.

Article 5 of the Convention. The Government considers that this Article calls only for compensation to be paid in the form of periodical payments or a lump sum, without reference to the duration of the periodical payments and that hence there is no discrepancy between the Employment Injury Compensation Act in force in New Zealand and this Article of the Convention. The Committee must repeat, however, that this provision of the Convention has always been understood to refer to a life pension (in case of permanent incapacity) or a pension for the duration of the contingency, so that the limitations established by section 11, paragraph 1 (a) (274 weeks in the case of death) and section 14 (5) (six years in the case of incapacity) of the above-mentioned Act are incompatible with the Convention. Moreover, as the Committee had already observed, the invalidity benefits payable under the Social Security Act of 1938 are not sufficient to close the existing gap, because of the special requirements imposed (financial resources, residence, conduct). The Committee therefore wishes to urge the Government again to reconsider the problem with a view to bringing the national legislation into conformity with the Convention.

Article 9. The Committee notes with interest that the obligation to reside in the country in order to continue to receive medical benefits refers only to the Social Security Act, and that benefits under the Employment Injury Compensation Act are not subject to any such condition.

Article 10. The Committee has taken note of the fact that the Government considers it unnecessary to amend its legislation on this point; it is of the opinion that the contribution required from insured persons to the cost of artificial limbs and surgical appliances (after the first three years during which such appliances are provided free of charge by virtue of the Employment Injury Compensation Act), fixed at 20 per cent. of their cost and £1 every time they are repaired, constitutes a guarantee against abuses, is not very onerous for injured persons, and is in conformity with paragraph 2 of Article 10 of the Convention, which refers to "measures . . . necessary . . . to prevent abuses". The Committee points out that the measures referred to in Article 10 of the Convention are *supervisory* measures, a very different thing from exacting a contribution which, while it might prevent abuses, imposes a burden on the insured person that may be acceptable in regard to sickness insurance but cannot be so in regard to employment injury compensation. Article 10 of the Convention is quite clear in this respect and does not provide for the possibility of injured workmen bearing part of the cost of the supply and renewal of artificial limbs and surgical appliances. The Committee hopes that in this case too, the Government will reconsider the possibility of bringing its legislation into conformity with the Convention.

Sweden (ratification: 1936). The Committee takes note of the Government's reply to the request made in 1961, indicating that the two committees which were set up to study the material co-ordination of various insurance schemes have now completed their work, and that these committees are inclined to maintain the present position as regards the divergency existing between the national legislation and Article 9 of the Convention, resulting from the fact that insured persons who have suffered from an industrial accident must bear part of the cost of medical aid.

The Committee also notes that another committee has been set up and is to review the present employment injury insurance scheme, and is to take into account the Conventions ratified by Sweden.

However, it would appear that the Government does not expect that the review to be carried out by the said committees will result in a change in the legislation, eliminating the discrepancy noted, since it is indicated in the report that the Government might ultimately be faced with the necessity of denouncing the Convention.

The Committee feels that it might not be expedient to consider such extreme measures. It hopes, therefore, that the Government will find it possible to re-examine this whole matter with a view to finding some means of bringing the legislation into conformity with Article 9 of the Convention and thus avoid the need for denunciation.

United Kingdom (ratification: 1949). In reply to the observations regarding the application of Articles 9 and 10 of the Convention, the Government indicates again that it does not consider that it would be appropriate at present to take any action with a view to eliminating the existing discrepancies since, as already indicated in previous reports, the Committee of Social Security Experts has recommended the revision of this Convention. The Committee notes, moreover, that the sharing of injured persons in certain medical expenses has been increased.

In these circumstances the Committee finds that it must once again refer to the observations made since 1957 on the need for the taking of measures with a view to giving effect to Articles 9 and 10 of the Convention, which do not permit any part of the cost of medical or surgical aid, etc., or of the supply and renewal of artificial limbs and surgical appliances to be borne by persons who have suffered employment injuries.¹

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee regrets to note that the Bill intended to bring national legislation into conformity with Article 11 of the Convention (safeguards against the risk of insolvency of the employer or insurer) has not yet been adopted. As this discrepancy had already been pointed out several years ago, the Committee can only urge the Government to take at last the necessary steps with a view to adoption of the new legislation.

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: *Argentina, Burma, Greece, Malaya, Mexico, Nicaragua, Philippines, Poland, Portugal, Sierra Leone, Tunisia, Uruguay.*

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

Austria (ratification: 1928). See under Convention No. 42.

Colombia (ratification: 1933). The Committee notes with regret that no measures have yet been taken to bring the national legislation into conformity with the Convention as regards processes corresponding to *anthrax infection* (in particular the handling of animal carcasses and the loading and unloading or transport of merchandise).

The Government refers again in its report to section 201 of the Labour Code of 1950 and makes no mention of the new Labour Code which was to have eliminated existing divergencies and was to have been adopted in 1958.

The Committee trusts that this text will be adopted in the near future and that the Government will not fail to indicate in its next report what progress has been made in this connection.

Czechoslovakia (ratification: 1932). See under Convention No. 42.

France (ratification: 1931). See under Convention No. 42.

Federal Republic of Germany (ratification: 1928). See under Convention No. 42.

Italy (ratification: 1934). See under Convention No. 42.

Morocco (ratification: 1956). The Committee takes note of Order No. 046-61 dated 24 January 1961 which supplements the list of occupational diseases. It notes with satisfaction that loading and unloading or transport of merchandise in general have been added to the processes likely to cause anthrax infection, in conformity with the Convention.

Poland (ratification: 1937). See under Convention No. 42.

Switzerland (ratification: 1927). The Committee notes with satisfaction that the new ordinance dated 23 December 1960, which came into force on 1 January 1961, has added to the list of processes liable to cause anthrax infection loading and unloading or transport of merchandise in general, so as to bring this list into conformity with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Australia, Belgium, Bulgaria, Ceylon, Cuba, Czechoslovakia, Dahomey, Denmark, Finland, Federal Republic of Germany, Guinea, India, Ivory Coast, Japan, Luxembourg, Morocco, Nicaragua, Niger, Norway, Pakistan, Portugal, Senegal, Spain, Switzerland, Tunisia, Upper Volta, Yugoslavia.*

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

Austria (ratification: 1928). The Committee takes due note from the Government's reply to its request of 1960 that the Central Association of Austrian Social Security Institutions recognises the validity of the Committee's comments and is taking the necessary steps to ensure that the nationals of States which have ratified the Convention should in future enjoy the same treatment in respect of workmen's compensation as Austrian nationals.

Haiti (ratification: 1955). See under Convention No. 17 the part of the Committee's observation referring to the elimination of the discrepancy which consisted of the exclusion of certain categories of aliens from the scope of the Social Insurance Act.

Italy (ratification: 1928). The Committee takes note with satisfaction of the letter dated 8 March 1960, of which a copy was attached to the Government's report and in which the General Directorate for Welfare and Social Assistance of the Ministry of Labour issued the necessary instructions to the Institute for Employment Injury Insurance to guarantee that nationals of countries which have ratified Convention No. 19 receive not only the treatment provided for under Italian legislation but also that prescribed by the international Conventions to which Italy is a party.

It thanks the Government for the information supplied and for the progress thus achieved in the application of the Convention.

Spain (ratification: 1929). Since 1957 the Committee has drawn the Government's attention every year to a discrepancy between Article 1 of the Convention and the provisions of section 11, paragraph 3, of the regulations under the Industrial Accidents Acts, which provide that the dependants of a foreign worker who are no longer resident in Spanish territory may continue to receive benefit only if—(1) the legislation of their country grants similar treatment to Spanish nationals, (2) their present country of residence has ratified the Convention or special agreements have been concluded to this effect.

It has come to the knowledge of the Committee that Decree No. 677/1961, dated 13 April 1961, was published in the Official Gazette of 24 April 1961, amending the paragraph in question to bring it into conformity with the Convention. These new provisions no longer impose any condition for the payment of benefits to the dependants of a foreign worker who ceased to reside in Spanish territory.

The Committee would be grateful if the Government would indicate in its next report whether the above-mentioned text has effectively come into force. It would also be glad if the Government would specify in what cases it has been considered necessary to conclude agreements, as provided for in the second sentence of the amended paragraph, and would supply the texts of the agreements so concluded.

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In addition, requests regarding certain other points are being addressed to the following States: *Australia, Brazil, Burma, China, Colombia, France, Ghana, Israel, Luxembourg, Malaya, Nicaragua, Sudan, Uruguay.*

Convention No. 20: Night Work (Bakeries), 1925

Bulgaria (ratification: 1929). The Committee notes with regret that there are still no legislative provisions in Bulgaria ensuring the application of this Convention. It recalls that the Government indicated in its report for 1958-59, and again to the Conference Committee in 1961, its intention of issuing at an early date an ordinance by which effect would be given to the Convention.

As no report has been received for the period 1959-61 the Committee must again urge the Government to take immediate steps for the issue of provisions prohibiting night work in bakeries and ensuring full conformity with Articles 1 to 4 of the Convention.¹

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Convention No. 22: Seamen's Articles of Agreement, 1926

Argentina (ratification: 1937). The Committee had noted in 1961, from the statement made by a Government representative to the Conference Committee in 1960, that the Joint Ministerial Committee which since 1957 has been in charge of harmonising national legislation with Conventions Nos. 8, 22 and 23 had transmitted its first report to the Executive which had drafted the corresponding Bills in order to place them before the legislature.

The Committee recalls that the Government informed the Conference Committee in 1961 that a new Committee had been set up by Decision No. 383, dated 22 May 1961, with substantially the same terms of reference as that of the above-mentioned Committee, namely to study and propose the measures needed to bring the current legislation into conformity with the international labour Conventions ratified by Argentina. It is bound to note with regret that there has in fact been further delay.

In the absence of any other information in the report on the result of the present studies, the Committee must again urgently request the Government to take the necessary steps to eliminate the divergencies between the legislation and Conventions ratified 25 years ago as soon as possible, through the adoption of appropriate legislative instruments.¹

Belgium (ratification: 1927). Following its previous observations the Committee has noted with satisfaction the promulgation of an Act dated 15 June 1961 which provides that if an agreement is entered into for an indefinite period, it may be terminated by either party in any port where the vessel loads or unloads subject to notice being given to the other party.

Article 9, paragraph 1, of the Convention is thus given full effect.

China (ratification: 1936). The Committee has taken note of the information supplied by the Government, according to which the revised text of the Merchant Shipping Act is awaiting final approval by the Legislative Council after having been approved by the Judicial Commission for Communications and Economic Affairs of that Council.

Since this draft legislation has been under consideration since 1958 and is to give effect to several Articles of the Convention, which was ratified 26 years ago, the Committee hopes that it will be adopted shortly.

Colombia (ratification: 1933). See under Convention No. 8.

Federal Republic of Germany (ratification: 1930). The Committee has taken note of the Government's reply to the observation made in 1960. It notes with regret that the Government still maintains its view that there is no discrepancy between Article 9 of the Convention and section 63 of the Seamen's Act, 1957, in which an agreement for an indefinite period remains valid, after the expiry of the period of notice stipulated therein (but not for more than six months), until the vessel touches a port of the Federal Republic of Germany.

The Committee can only reiterate its view, already expressed many times, that such a measure is incompatible with the provisions of the Convention, since, on the one hand, the Convention expressly provides that "an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

unloads . . .” and, on the other hand, the presence of the vessel in a foreign port cannot be considered as an “exceptional circumstance” in the sense of Article 9, paragraph 3.

In view of the importance of the rule established by Article 9 of the Convention, and the fact that many countries have already amended their legislation to bring it into conformity with this rule, the Committee trusts that the Government of the Federal Republic of Germany will not fail to take the necessary steps to ensure the full application of Article 9, paragraph 1, which is a key provision of the Convention. Such measures appear all the more desirable as the legislation in force before the adoption of the 1957 Act (the Seamen’s Code, 1902) was in full accord with this Article.

Mexico (ratification: 1934). The Committee takes note of the reply to its observation of 1960 regarding Article 9, paragraph 1, of the Convention, which provides that an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, on condition that at least 24 hours’ notice is given.

The Government indicates in the first place that sections 145 and 146 of the Federal Labour Act, which the Committee has previously deemed to be incompatible with the above provision of the Convention, merely prohibit the cancellation (*rescisión*) of a contract in a foreign port and not its termination. The Government adds that the termination of a contract abroad is not contrary to the law, but it cites no legislative provision authorising termination in the circumstances specified by the Convention. The Committee must therefore continue to entertain various doubts whether seamen on Mexican vessels—(a) benefit in fact from the protection afforded by the above-mentioned requirement of the Convention and, if so, (b) are clearly aware, as are their employers, of the existence of this protective provision.

This doubt is not dispelled by the Government’s further statement, in reply to the Committee’s observation, that the minimum notice of 24 hours also specified by the above provision of the Convention in case of termination of a contract is ensured in Mexico by virtue of the ratification of the instrument. No specific legislation would thus appear to exist in this case either, although under Article 9, paragraph 2, of the Convention “national law shall provide such manner of giving notice as is best calculated to preclude any subsequent dispute between the parties on this point”.

The Government affirms, in conclusion, that the prohibition of the cancellation of a contract in a foreign port constitutes a measure for protecting the weaker of the two parties to the contract—the worker; and that under article 19, paragraph 8, of the I.L.O. Constitution this more favourable provision may in no case be affected by the ratification of the Convention. The Committee must stress, however, that the cancellation or termination of a contract for an indefinite period is by no means in all cases detrimental to the seaman. As pointed out in the past in connection with the effect given to this provision of the Convention by other ratifying States, the Committee considers, on the contrary, that the relevant paragraph is more advantageous to the seaman than Mexican law, as it grants him the right to terminate a contract for an indefinite period in any port where the vessel loads and unloads, thus guaranteeing his freedom of choice and movement.

Taking into account all the factors described above, the Committee concludes that additional measures clearly are called for in order to ensure the full application on Mexican vessels of Article 9, paragraph 1, of the Convention. As it has had to raise this matter ever since 1936, the Committee must voice its concern and urge the Government to take the necessary action in the very near future so that Mexico

will, as have several other States in recent years, ensure full compliance in law and in practice with one of the key requirements of this Convention.¹

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

... the Committee can only refer to the observations made in previous years and insist once again that the Government take the necessary steps for the enactment of the draft legislation referred to since 1958 which is to give effect, *inter alia*, to the various provisions of the Convention (Articles 3, 4, 5, 6, 9, 13, 14) not hitherto applied in Nicaragua.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee can only note with regret that its observations appear to be totally ignored and, as in previous years, insist that the Government take the necessary steps to give full effect to Articles 3 (paragraph 2), 8 and 13 of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, India, Mexico, Morocco, New Zealand, Pakistan, Sierra Leone, Spain, Venezuela, Yugoslavia.*

Convention No. 23: Repatriation of Seamen, 1926

Argentina (ratification: 1933). See under Convention No. 22.

China (ratification: 1936). The Committee has noted with interest from the Government's reply to the request made in 1960 that the Merchant Navy Bill submitted to the Legislative Assembly provides, *inter alia*, that a seaman repatriated as a member of a crew is entitled to remuneration for work done during the voyage (Article 5, paragraph 2, of the Convention).

The Committee expresses the hope that this Bill will be passed in the near future.

Colombia (ratification: 1933). See under Convention No. 8.

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

... the Committee can only refer to the observations made in previous years and insist once again that the Government take the necessary steps for the enactment of the draft legislation referred to since 1958 which is to give effect, *inter alia*, to the various provisions of the Convention (Articles 3 (paragraphs 2, 3 and 4), 4 and 5) not at present applied in Nicaragua.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

... the Committee can only note with regret that its observations appear to be totally ignored and, as in previous years, insist that the Government take the necessary steps to give full effect to Articles 3, 4 and 5 of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Philippines*.

Convention No. 24: Sickness Insurance (Industry), 1927

Austria (ratification: 1929). The Committee thanks the Government for the information supplied in answer to the request made in 1960. The Committee notes with satisfaction that new legislation was enacted to meet the requirements of Article 3, paragraph 3 (c), of the Convention.

Colombia (ratification: 1933). The Committee noted repeatedly since 1951 that sickness insurance was not yet functioning throughout the country. On these occasions the Committee expressed the hope that application of the Convention would be extended throughout the country as quickly as possible and requested the Government to report on the progress achieved in this field. A Government representative stated in 1951 that the application of the social insurance scheme was taking place by stages. In 1955 the Government proposed to extend in that year the application of the Convention to new regions of its territory.

The Committee understands that the application of the Convention has not been extended (1) throughout the country, since it seems to be applied only in four territorial zones, and (2) to all categories of workers specified in the Convention. Furthermore, the Committee notes that as far as the progressive extension provided for under the social insurance scheme of 1946 is concerned the rate of progress has been very slow. In these circumstances the Committee must express its deep regret, and insist that the application of the Convention shall be extended throughout the country and to all categories of workers specified in the Convention as soon as possible.

The Committee would be grateful if the Government would indicate in its next report the regions and the categories of workers in respect of which there is as yet no sickness insurance and the action which the Government proposes to take with a view to extending the application of the Convention to the whole territory and to all classes of workers specified in the Convention.

France (ratification: 1948). The Committee takes note of the Government's reply to the direct request made in 1960.

Article 4 of the Convention. In a direct request made in 1959 the Committee drew the attention of the Government to section 249 of the Social Security Code of 1956, which imposes certain conditions regarding the qualifying period to be satisfied by an insured person in order to be entitled to medical benefits. The Committee observed that such a provision is not compatible with Article 4 of the Convention, which provides for the granting to an insured person of medical benefits from the commencement of his illness and without any qualifying period. In reply to this request in 1960 the Government stated that the purpose of section 249 of the Social

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Security Code was to prevent abuses. In a subsequent direct request the Committee called the Government's attention to the fact that, whatever may be the reasons for them, the provisions in question are not in conformity with Article 4 of the Convention and that it must be possible to adopt appropriate measures to prevent abuses without weakening the application of the Convention. The Government replies that, for the reasons already stated, it considers the above provision to be in conformity with the Convention.

The Committee considers that the above-mentioned provision provides for a qualifying period, albeit of limited duration, which is incompatible with Article 4 of the Convention. The Committee hopes, therefore, that the Government will re-examine this question with a view to removing this discrepancy and will propose other appropriate means of eliminating the abuses which were envisaged when the above-mentioned provision of the Social Security Code was adopted.

Haiti (ratification: 1955). The Committee thanks the Government for the information supplied concerning the observation made in 1960. The Committee notes with interest that the 1961 Labour Code has removed certain discrepancies between national legislation and the provisions of the Convention, in particular as regards (1) limitation to three days instead of seven of the waiting period for payment of cash benefit to insured persons rendered incapable of work by reason of the abnormal state of bodily or mental health, (2) application of the compulsory sickness insurance to foreign technicians who were previously excluded from the application of the compulsory sickness insurance Act of 1951, and (3) withholding of cash benefits in certain cases (Articles 2 and 3 of the Convention). However, the Committee deems it necessary to call the Government's attention to the following discrepancy existing between the Code and the provisions of the Convention.

Article 4 of the Convention. Section 602 of the Labour Code provides that medical assistance shall be granted to insured persons from the first day of illness, for a period of 27 weeks, and to their dependants for 13 weeks, provided that the conditions laid down under paragraph 2 of section 604 are complied with. Paragraph 2 of section 604 makes payment of such assistance subject to 26 weeks' insurance payments. The Committee calls the attention of the Government to the fact that the Convention does not allow for any waiting period before medical assistance may be granted to the insured persons. Hence the Committee hopes that the Government will take the necessary action to bring its legislation into conformity with the requirements of this Article of the Convention, e.g. by deleting the following words, "which fall within the conditions laid down in section 604, paragraph 2, of the present Act," from section 602 of the Labour Code.

The Committee notes with regret from the Government's report that the sickness insurance scheme provided for under the Act of 12 September 1951 has not yet been brought into operation. The Committee must urge the Government to spare no effort to ensure the implementation of the sickness insurance scheme, in accordance with the obligation it assumed in ratifying this Convention seven years ago.

Peru (ratification: 1945). The Committee notes with regret that the Government has not replied to the direct request made in 1960. The Committee repeatedly noted since 1950 that, contrary to the terms of Article 2, paragraph 1, of the Convention, sickness insurance in Peru was not compulsory for domestic servants in private employment. In 1951 the Government representative stated that it was hoped that it would soon be possible to include domestic servants in the scope of legislation governing sickness insurance. In 1957 the Committee noted from the Government's report (for the period 1954-55), that the National Social Security Fund had begun a technical study with a view to revising the present legislation. The Committee expressed the hope that this study will enable the Government to eliminate in a short

time the discrepancies between Peruvian legislation and the provisions of the Convention. In 1959 the Committee noted that at the request of the National Social Security Fund the Government had appointed a commission to look into possible changes in the present legislation and again expressed the hope that this study will enable the Government to eliminate at an early date the discrepancies between Peruvian legislation and the provisions of the Convention. In 1960 the Committee noted that the Government's report did not contain any new information concerning the work of the committee set up to study the revision of social security legislation and expressed the hope that the Government would indicate what stage the work of the committee had reached and the measures contemplated to eliminate the discrepancies existing between the national legislation and the Convention.

The Committee regrets that the application of the Convention has not yet been extended to domestic servants in private employment and trusts that measures will soon be taken to include domestic servants in the scope of legislation governing sickness insurance.

The Committee notes from the Government's report that the sickness insurance scheme has been extended, since 1960, to another province, namely the province of Cuzco. Since a representative of the Government informed the Conference Committee in 1951 that the Government had established a plan and hoped to include all the workers of the country in a social insurance system within six years, the Committee, noting the progress made in this respect, trusts that the Government will soon extend the scope of the sickness insurance scheme to include all the workers of the country, as required under Article 2 of the Convention.

Rumania (ratification: 1929). The Committee notes with regret that the Government has failed to reply to the direct request of 1959 and 1960 on the following points. 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 expresses the hope that the Government will not fail to include information in its next report in these respects.

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee took note of the legislative provisions enacted to grant sickness benefits to several new categories of workers. It notes, however, that the great majority of workers covered by the Convention are not protected, and that no information has been supplied concerning the general Bill on sickness insurance referred to for several years and which, according to information supplied in 1959, had been submitted to Parliament.

The Committee therefore once again urges the Government to take the necessary measures with a view to the enactment of this Bill, and finally to apply in full this Convention, which was ratified more than 25 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: *Bulgaria, Chile, Colombia, Czechoslovakia, Haiti, Nicaragua, Peru, Spain, United Kingdom, Uruguay.*

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Convention No. 25: Sickness Insurance (Agriculture), 1927

Austria (ratification: 1929). See under Convention No. 24.

Colombia (ratification: 1933). See under Convention No. 24.

Haiti (ratification: 1955). See under Convention No. 24.

Uruguay (ratification: 1933). See under Convention No. 24.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Nicaragua*.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Requests regarding certain points are being addressed directly to the following States: *Colombia, Ecuador, Ghana*.

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929

Requests regarding certain points are being addressed directly to the following States: *Cuba, Uruguay*.

Convention No. 29: Forced Labour, 1930

Bulgaria (ratification: 1932). The Committee notes that at the Conference in 1961 a Government representative stated that there was no compulsory labour in Bulgaria and no divergency between the Convention and national legislation and practice, and that the next report would contain a reply to the observations made by the Committee. As no report has been received, the Committee must renew its previous observations, which were drafted as follows:

1. The Committee notes the Government's statement that all persons liable to call-up under the Act of 1958 concerning regular military service cannot be enrolled in the armed forces, by virtue of the restrictions imposed by the Peace Treaty of 10 February 1947, and that those who cannot be assigned to military service are enlisted in the Special Labour Services. The Committee observees that, by virtue of the Decree of 27 March 1954 concerning these Services, as amended by Decree of 15 October 1955, the work undertaken by conscripts includes construction work and agricultural work, and that the period of compulsory labour service is two years.

The above provisions appear to permit the exaction of forced labour under the compulsory military service laws for work which is not of a purely military character and which accordingly does not fall within the exception to the definition of "forced or compulsory labour" provided for in Article 2, paragraph 2 (a), of the Convention. Nor is such compulsory labour service, which is expressly prohibited by the Convention, part of the normal civic obligations of the citizens of a self-governing country, within Article 2, paragraph 2 (b), of the Convention, as the Government suggests in its report. The Committee therefore trusts that measures will be taken without delay to abolish the above-mentioned form of compulsory labour.

2. The Committee notes that, under the Act of 6 February 1958 respecting the self-taxation of the population and the Ordinance issued thereunder on 14 February 1961 by the State Planning Commission and the Bulgarian Investment Bank, labour may be exacted as a tax for the execution of public works. In effect, section 1 of the Ordinance of 14 February 1961 provides that capital investment projects not covered by the national economic plan shall be carried out in this manner, and lists such schemes as the electrification of villages, water supplies, local improvement schemes,

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

schools, reading rooms, bakeries, baths, roads, drainage, trade union homes, etc. Under section 8 of the Act of 6 February 1958 all men between 18 and 60 years and all women between 18 and 55 years are liable to contribute annually 40 hours of labour (or, in certain cases, 80 hours of labour), although this liability may be commuted by cash payments.

Under Article 10 of the Convention, the Government was bound to abolish forced or compulsory labour exacted as a tax or for the execution of public works. The introduction of such form of forced labour by the above-mentioned legislation is therefore incompatible with the Government's obligations under the Convention, and the Committee trusts that measures will be taken without delay to repeal the provisions in question.

The Committee trusts that the Government will make every possible effort to adopt measures with a view to eliminating the above-mentioned discrepancies.

Congo (Brazzaville) (ratification: 1960). The Committee notes with interest the detailed information supplied by the Government in its report. It notes with the strongest regret that various new legislative provisions have the effect of re-establishing a number of forms of forced labour which had previously been abolished. This is clearly contrary to the provisions of Article 1, paragraph 1, of the Convention, under which the Government undertook "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period".

1. Section 3 of Act No. 24/60 has the effect of re-establishing a system of compulsory portage without even providing for the conditions and guarantees which are required by the various Articles of the Convention for the forms of forced labour which were permitted "during the transitional period" and "as an exceptional measure". This section of the Act provides that in areas permanently or seasonally lacking in mechanical transport, the inhabitants can be required either singly or collectively to perform tasks in the public interest which appear indispensable, either for the benefit of the Government or its representatives or for the fulfilment of the economic, health or social needs of the inhabitants themselves (see the comments in Part Three of the Committee's report, paragraph 96).

2. The general character of the terms employed in the above-mentioned provision, which refers to "tasks in the public interest which appear indispensable", seems also to permit the exaction of various other forms of forced labour which were formerly used and recourse to which "during the transitional period" and "as an exceptional measure" was authorised by the Convention only subject to the conditions and guarantees laid down in several Articles (public works of general or local interest, etc.).

3. Section 1 of Act No. 24/60 of 11 May 1960 permits the requisition of the services of all or some of the employees of an undertaking or service whose efficiency is endangered, "when circumstances so demand", which clearly goes beyond cases of "emergency" as envisaged in Article 2, paragraph 2 (*d*), of the Convention. If systematically and abusively applied, this provision would permit the establishment of a generalised system of forced labour (see the comments in Part Three of the Committee's report, paragraphs 58 to 64).

4. According to Acts Nos. 16/61 and 17/61 of 16 January 1961, part of the young persons who are conscripted under the compulsory military service laws may be assigned to the performance of "national works". Such provision is inconsistent with Article 2, paragraph 2 (*a*), of the Convention, which requires that "any work or service exacted in virtue of compulsory military service laws" shall be "for work of a purely military character" (see the comments in Part Three of the Committee's report, paragraphs 40 to 43 and 75 to 79).

5. Finally, the provisions of Act No. 44/59 of 2 October 1959, which provide that all young persons between the ages of 18 and 23 who have been resident for more than six months in urban centres and who cannot give proof of regular employment are "liable to compulsory service" (section 2), and prescribe penal sanctions

in respect of persons evading registration or deserting after call-up for such service (section 5), obviously lead to the establishment of a system of forced labour not permitted under the Convention even "during the transitional period" (see the comments in Part Three of the Committee's report, paragraphs 78 and 79).

The Committee expresses the hope that the Government will indicate the measures which it intends to take to repeal or amend the various provisions referred to above with a view to suppressing "the use of forced or compulsory labour in all its forms within the shortest possible period", in fulfilment of its international obligations.

Congo (Leopoldville) (ratification: 1960). The Committee notes with interest that the Legislative Decree of 1 February 1961 and the order concerning contracts of employment have repealed certain provisions which permitted compulsory portage.

Ecuador (ratification: 1954). The Committee regrets to note that the Government's report for 1958-60 merely repeated textually information previously given, but did not reply to the direct requests made in 1959 and repeated in 1960 and 1961.

The Committee must express its serious regret at the Government's persistent failure to supply the information in question. It is once more repeating its request, and urges the Government not to fail to provide full particulars on the various points raised.¹

Greece (ratification: 1952). The Committee has taken note of the statement made by a Government representative to the Conference Committee in 1961 and the information supplied in the Government's report.

It has noted with interest that the Ministry of National Defence intends to examine appropriate measures to bring national legislation into full conformity with the Convention as regards the employment of persons liable to compulsory military service, who should be assigned only to work of a purely military character (Article 2, paragraph 2 (a), of the Convention).

The Committee expresses the hope that appropriate measures will be taken very shortly and that the Government will not fail to give information on the progress made to this end.

Guinea (ratification: 1959). The Committee notes the statements made by the Government in its report, in reply to the direct request of 1960, that by virtue of section 3 of the Labour Code forced or compulsory labour is absolutely prohibited, that under this provision the Republic of Guinea has undertaken to prohibit forced or compulsory labour and not to use any form of such labour, and that, consequently, the additional information requested by the Committee in this field was and remains irrelevant.

It would appear from these statements that the nature and purpose of the Committee's request have not been clearly appreciated. It related primarily to the scope of the various exceptions to the definition of "forced or compulsory labour" for the purposes of the Convention provided for in Article 2, paragraph 2. The Committee is bound to satisfy itself, in this case, as for all other countries in which the Convention is in force, that the various conditions governing these exceptions are strictly observed.

The Committee is accordingly repeating the questions previously asked. In view of the importance of the subject-matter of this Convention, it requests the Government to supply a detailed report for the period 1961-62, with particular reference to the points raised in the Committee's direct request.¹

¹ The Government is asked to provide a detailed report for the period 1961-62.

Liberia (ratification: 1931). The Committee notes the statements made at the Conference in 1961 by representatives of the three groups in the delegation from Liberia that in fact no forced labour existed in Liberia, that the legislation mentioned in the Committee's observations was out of date and contrary to the national Constitution, that an Act to regulate the recruitment of labour in Liberia, adopted on 24 May 1961, represented a clear improvement over the previous situation, and that no effort would be spared to eliminate the remaining discrepancies between the provisions mentioned by the Committee and the Convention before the next session of the Conference.

The Committee however deplores that, for the third year in succession, the Government has failed to supply any report on the application of this Convention. This renewed failure to submit a report is all the more unfortunate, having regard to the Committee's repeated observations and the request by the Conference Committee last year that full particulars of the measures taken to bring national legislation into conformity with the Convention be supplied.

The Committee notes further that a complaint concerning the observance of the Convention by Liberia has recently been filed under article 26 of the I.L.O. Constitution, and that the Governing Body decided at its 151st Session (March 1962) to refer this complaint to a commission appointed in accordance with that article. In these circumstances, the Committee has decided to defer further consideration of the case until the commission appointed under article 26 has reported.

Portugal (ratification: 1956). See under Convention No. 105.¹

Tanganyika (ratification: 1962). The Committee has noted with satisfaction that on 8 December 1960 administrative instructions were issued to discontinue the use of forced labour for portage and the maintenance of existing works and services, and thus to complete the undertaking accepted under the Convention "to suppress the use of forced or compulsory labour . . . within the shortest possible time".

Venezuela (ratification: 1944). The Committee expresses the hope that the Government will supply detailed information in reply to its direct requests of previous years. In view of the importance of these questions it asks the Government to supply a detailed report for the 1961-62 period.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Belgium, Bulgaria, Burma, Byelorussia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Leopoldville), Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, Gabon, Federal Republic of Germany, Guinea, Haiti, Honduras, Iceland, India, Iran, Israel, Ivory Coast, Malagasy Republic, Mauritania, Morocco, Niger, Nigeria, Norway, Pakistan, Portugal, Rumania, Senegal, Sudan, Sweden, Tanganyika, Togo, Ukraine, U.S.S.R., United Arab Republic, Upper Volta, Venezuela, Viet-Nam.*

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Spain (ratification: 1932). See under Convention No. 1.²

¹ The Government is asked to report in detail for the 1961-62 period.

² The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Spain, Uruguay*.

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

Argentina (ratification: 1950). The Committee greatly regrets the fact that the Government has not made any reply to the observation formulated in 1961. It therefore finds itself obliged to repeat this observation, which was as follows:

The Committee noted in 1952, upon examining the Government's first report, that the legislation in force contained only provisions of a very general nature which were insufficient to ensure the application of a Convention containing extremely detailed technical provisions. The Committee has since reminded the Government on several occasions of the necessity of adopting legislation complying with the Convention, and has taken note of the setting up of a Committee of Specialists entrusted with the task of studying the means of bringing the legislation into conformity with Conventions Nos. 8, 22, 23, and 32.

The Committee notes with regret that the text of the decree regulating loading and unloading operations in the Port of Buenos Aires, enclosed with the Government's latest report, gives only very limited effect to Article 12 of the Convention, concerning the precautions to be taken for work carried out in proximity to dangerous materials, but in no way corresponds to the other provisions of the Convention.

The Committee urges the Government to take steps with a view to the adoption of legislation that will be in full conformity with the provisions of the Convention.¹

Belgium (ratification: 1952). The Committee notes with interest the reasons which led the Government to exempt vessels engaged in inland navigation from the scope of section 541 of the General Regulations for the Protection of Workers (Royal Order of 8 May 1959) and hence from the scope of Article 6 of the Convention, regarding the protection of hatchways.

While it recognises that section 42 of the above-mentioned regulations, to which the report refers, assures the protection of dangerous openings generally, the Committee considers that the exclusion of vessels engaged in inland navigation from the scope of the aforementioned section 541 limits the coverage of such vessels by the safety standards in force. Furthermore, as the Committee indicated in 1961, the exemptions permitted under Article 15 of the Convention do not provide for general exemptions such as that allowed by virtue of the Royal Order of 8 May 1959.

The Government indicates in its report that the decision to permit this exemption was taken as a result of a resolution adopted in 1957 by the Central Rhine Commission, which recommended the States bordering on the Rhine as well as Belgium to exempt vessels engaged in inland navigation from certain safety provisions. The Committee considers, however, that such a resolution should not interfere with the application of a duly ratified international labour Convention to an important sector of navigation.

The Committee must therefore repeat the observation made in 1961 and again ask the Government to ensure the application of Article 6 of the Convention to vessels engaged in inland navigation.

France (ratification: 1955). The Committee notes that the Government does not refer in its report to the point raised in the observation made in 1961. It must therefore draw the Government's attention again to the fact that Decree No. 55314 by which effect was to be given to the provisions of the Convention, and the enforcement of which is entrusted to the Ministry of the Mercantile Marine, relates solely to the

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

loading and unloading of sea-going vessels, whereas the scope of the Convention includes inland navigation (Article 1 of the Convention).

The Committee trusts that the Government will not fail to take measures with a view to ensuring the protection of workers employed in the loading and unloading of vessels engaged in inland navigation.

Mexico (ratification: 1934). The Committee notes the statement made in 1961 by a Government representative to the Conference Committee—confirmed in the report for 1959-61—that new regulations concerning the prevention of work accidents were being adopted, in which account would be taken of workers engaged in the loading and unloading of vessels.

The Committee urges the Government to take all steps to bring about the adoption of these regulations as soon as possible, with a view to ensuring the application of this Convention, which was ratified by Mexico 28 years ago. It hopes that the Government will be in a position to inform the Conference that substantial progress has been made towards the adoption of the draft regulations.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, France, Mexico, Uruguay*.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

Austria (ratification: 1936). The Committee notes with regret from the report for the period 1960-61 that it has not yet been found possible to submit to Parliament the Bill which is to amend the Act of 1 July 1948, from the scope of which children are at present excluded.

While taking note of the difficulties which have been encountered in reaching agreement on the definition of "light work", the Committee is nevertheless obliged to insist once more that efforts be made to take measures at the earliest possible date to prohibit occasional work by children or to regulate such work in accordance with Article 3 of the Convention, as pointed out by the Committee since 1949.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Dahomey, Gabon, Republic of Mali*.

Convention No. 34: Fee-Charging Employment Agencies, 1933

Chile (ratification: 1935). The Committee regrets that, although a Government representative had promised the Conference Committee in 1960 that detailed information would be supplied in the Government's next report in reply to the observation of that year, this has in fact not been done.

The Committee notes that prohibition of private employment agencies, under sections 2, 62 and 87 of the Labour Code, is confined to those catering to "wage-earning employees" (section 2 of the Code) and does not extend to "salaried employees" and "domestic servants". The Committee further recalls the statement of a Government representative to the Conference Committee in 1959 that at present fee-charging private employment agencies are still in operation.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

The Committee must therefore again urge the Government to take appropriate measures in the near future to abolish fee-charging employment agencies conducted with a view to profit (subject to the exceptions authorised in Article 3 of the Convention) and to regulate such agencies not conducted with a view to profit.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Chile, Mexico*.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

A request regarding certain points is being addressed directly to *Czechoslovakia*.

Convention No. 36: Old-Age Insurance (Agriculture), 1933

A request regarding certain points is being addressed directly to *Czechoslovakia*.

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933

A request regarding certain points is being addressed directly to *Czechoslovakia*.

Convention No. 38: Invalidity Insurance (Agriculture), 1933

A request regarding certain points is being addressed directly to *Czechoslovakia*.

Convention No. 39: Survivors' Insurance (Industry, etc.), 1933

A request regarding certain points is being addressed directly to *Czechoslovakia*.

Convention No. 40: Survivors' Insurance (Agriculture), 1933

A request regarding certain points is being addressed directly to *Czechoslovakia*.

Convention No. 41: Night Work (Women) (Revised), 1934

Ceylon (ratification: 1950). The Committee regrets to note that the position of national legislation with regard to the Convention remains unchanged although the Government's report for 1957-58 had already stated that as soon as the Employment of Women, Young Persons and Children Act of 1956 had been amended to give full effect to the revised Convention No. 89, this Convention would be ratified, which would involve automatically the denunciation of Convention No. 41.

Pending such ratification of Convention No. 89 and denunciation of Convention No. 41, the Committee is bound to repeat the points stressed in its direct request of 1959, i.e. that the above Act (by virtue of the definition of "night" in section 34 (1)) permits the employment of women as from 4 a.m., which is not in conformity either with Convention No. 41 (Article 2) or with Convention No. 89 (Article 2). Further-

more, under section 3 (b) of the Act, women may be authorised to work up to 11 p.m., which is contrary to Article 2 of Convention No. 41.

The definition of "woman" in section 34 of the Act (a female person over 18 years of age) makes it moreover possible to authorise exceptions from the night work prohibition for the purposes of apprenticeship or vocational training (sections 3 (3)) and 34 (1) of the Act) not only in respect of male young persons but also in respect of female young persons under 18 years of age, which is not in conformity with either of the two Conventions.

The Committee hopes that the Government will take in the near future appropriate measures to bring the national legislation into full conformity either with Convention No. 41 or with Convention No. 89, should the ratification of the latter instrument still be under consideration.

Hungary (ratification: 1936). The Committee notes from the report that progress has been made to abolish night work by women in certain industrial sectors.

As no information is provided, however, on the legislative measures contemplated by the Government for several years past to prohibit the employment at night of women in industry, the Committee is obliged to insist once more that the national legislation be without further delay brought into full conformity with the Convention which prohibits night work by women in industrial undertakings, except in cases specified in Article 4 of the Convention.¹

Peru (ratification: 1945). See under Convention No. 4.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Congo (Brazzaville)*, *Hungary*, *Iraq*, *United Arab Republic*, *Venezuela*.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

Austria (ratification: 1936). The Committee notes once again with regret that the amendments to the list of occupational diseases, aimed at bringing the latter into conformity with the Convention, particularly with regard to *lead alloys*, *amalgams of mercury* and *epitheliomatous cancer of the skin* caused by *bitumen* and *mineral oil*, have not yet been introduced.

The Committee hopes that the Act to amend the Basic Law respecting social insurance, which is to contain the amendments in question, will be promulgated shortly and that the Government will not fail to indicate in its next report the progress made to this effect.

Czechoslovakia (ratification: 1949). The Committee regrets that the Government has not yet taken the necessary measures to bring the national legislation into conformity with the Convention as regards the list of cancerogenous substances liable to cause *epitheliomatous cancer of the skin* and as regards certain processes corresponding to *anthrax infection*. These points have been dealt with in detail in the direct requests to the Government and were also mentioned in observations made in previous years.

However, the Committee notes that the Government intends to examine the suggestions made in this connection and it expresses the hope that the Government

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

will be able to indicate, in its next report, together with the results of its study, the measures which it contemplates taking to eliminate the existing divergencies.

France (ratification: 1948). The Committee takes note of the Government's reply to its observations and requests of preceding years and regrets to note once more that no measures have been taken to bring national legislation into conformity with the Convention.

The Committee therefore feels bound to refer again to the points raised in previous years, supplying some additional indications:

1. As regards the more general question of the scope of French legislation which, unlike the Convention, only makes provision for some of the pathological manifestations likely to be caused by the diseases or toxic substances listed in the Convention, the Government seems to refer in its report to practical modes of compensation and states that in its opinion the Convention entrusts national legislation with the task of deciding upon whom lies the burden of proof of the occupational origin of the disease. The Committee wishes to point out in this connection that Article 2 of the Convention is on the contrary very explicit and establishes a presumption of occupational origin as regards all cases of disease or poisoning produced by the substances mentioned in the schedule, when such disease or poisoning affects workers engaged in the corresponding industries or trades of the schedule. The Committee's observations do not therefore concern the question of presumption, as the Government seems to think, but rather the question of the limited scope of the national legislation as compared with the scope of the Convention. The Convention is in this respect drafted in general terms, using the expression "poisoning by . . .", and is thus designed to cover all the pathological manifestations which could be ascribed to the cases of disease or poisoning in question. A list of pathological manifestations such as that established by French legislation is therefore necessarily incomplete and creates the danger of introducing restrictions on workers' right to compensation which are not allowed by the Convention.

In these circumstances, the Committee urges the Government to take the necessary measures to bring its national legislation into conformity with the Convention on this point and hopes that the Government will indicate in its next report what progress has been made in this respect.

2. As regards the other discrepancies between the national legislation and the Convention, particularly with regard to poisoning by the *halogen derivatives of hydrocarbons of the aliphatic series* and poisoning by *phosphorus and its compounds* (of which only some are mentioned in the national legislation), *epitheliomatous cancer of the skin* (the legislation only mentions ailments caused by pitch) and *anthrax infection* (the legislation does not mention loading, unloading and transport of merchandise in general), the Committee requests the Government to refer to the explanations given in its requests of 1959 and 1960, which remain valid.

Federal Republic of Germany (ratification: 1955). The Committee takes note of the Government's reply to the requests made in previous years. It notes with interest that in view of the new ordinance respecting occupational diseases, dated 28 April 1961, the right to compensation for anthrax infection is also granted to workers employed in loading and unloading or transport of merchandise in general, since the schedule to the ordinance covers all types of work.

Greece (ratification: 1952). The Committee takes note of the text of Ministerial Decision No. 37852/1931' dated 13 December 1960. It notes with interest that the above-mentioned decision amended the schedule of occupational diseases so as to include, as provided for in the Convention, poisoning by liberation of benzene or its

homologues and their nitro- and amido-derivatives and poisoning by liberation of halogen derivatives of hydrocarbons of the aliphatic series.

Haiti (ratification: 1955). The Committee takes note of the information supplied in the Government's report and the text of the new Labour Code. It notes, however, that the articles referred to by the Government and the other provisions of the Code concerning social insurance do not mention occupational diseases, compensation for which, as stated by the Government, continues to be regulated by a decision of the Institute of Social Insurance dated 1953.

In the circumstances, the Committee finds itself obliged to raise the matter once again and urges the Government to take the necessary measures to amend the list of occupational diseases so as to bring it into conformity with the Convention. The Committee hopes that this amendment can be all the more easily made as the Government states that in practice the schedule of occupational diseases in the Convention is taken into account.

The discrepancies between the national legislation and the Convention are outlined in a new request sent directly to the Government.

The Committee also hopes that the Government will supply without fail in its next report the information repeatedly requested on the subject of the extension of the compulsory insurance scheme provided for under the amended Social Insurance Act of 1951 and under sections 568 and 569 of the new Labour Code.¹

Italy (ratification: 1952). The Committee thanks the Government for the information supplied in reply to its direct request made in 1960. It notes that by virtue of section 2 of Royal Decree No. 1765, dated 17 August 1935, anthrax infection is considered as an industrial accident and that it therefore entitles to compensation all workers employed in the industries and processes listed under section 1 of this decree. Such work includes, *inter alia*, transportation by land, maritime and inland navigation and air transport, loading and unloading of merchandise and work in tanneries and slaughter-houses (paragraphs 6, 7, 9, 13 and 16 of this section).

Mexico (ratification: 1937). The Committee takes note of the information supplied by the Government in reply to the observations and requests made in previous years and which referred to—

- (a) certain points of the list of occupational diseases and corresponding processes, which do not appear in the national legislation (namely, in the list of diseases and toxic substances: poisoning by *lead alloys* and *amalgams of mercury*, poisoning by *phosphorus or its compounds*, certain forms of poisoning by *benzene or its homologues and their nitro- and amido-derivatives*, poisoning by the *halogen derivatives of hydrocarbons of the aliphatic series*; in the list of trades, industries or processes corresponding to anthrax infection: *handling of animal carcasses or parts of such carcasses, including hides, hooves and horns, loading and unloading or transport of merchandise* in general; and in the list of processes corresponding to primary epitheliomatous cancer of the skin: any process involving the *handling or use of pitch, bitumen or mineral oil or the compounds, products or residues of these substances*);
- (b) methods ensuring that publicity is given the provisions of the Convention, should they take precedence over the national legislation.

The Committee takes note of the Government's statement that, by virtue of article 133 of the Mexican Constitution, international labour Conventions acquire force of law by their ratification and that these texts are published not only in the

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Official Gazette but also in the Mexican Labour Review and in the Federal Labour Law published by "Andrade y Castorena".

The Committee considers, however, that in order to avoid any possible doubt or confusion as to the exact situation under law, and to enable all the persons concerned to be fully informed thereof, it would be preferable for section 326 of the Federal Labour Law to be formally brought into conformity with the Convention. The Government had moreover stated in previous years that it intended to amend this section as indicated.

In the meantime, the Committee would be grateful if the Government would communicate in its next report any decisions of the Social Security Institute, court decisions and any other case law or evidence confirming that the Convention is applied in practice in the manner indicated above, particularly as regards the points raised by the Committee.

Morocco (ratification: 1957). See under Convention No. 18.

Poland (ratification: 1948). The Committee takes note of the Government's reply to the request and observations made in previous years. It notes with interest that workers employed in loading and unloading or transport of merchandise in general are also entitled to compensation for anthrax infection, by virtue of Circular No. 51 of the Social Insurance Office, dated 7 October 1961.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Belgium, Brazil, Bulgaria, Burma, Cuba, Czechoslovakia, Denmark, Finland, Federal Republic of Germany, Greece, Haiti, Iraq, Japan, Luxembourg, Morocco, New Zealand, Norway, Republic of South Africa, Spain, Sweden, Turkey, United Kingdom, Uruguay.*

Convention No. 43: Sheet-Glass Works, 1934

Requests regarding certain points are being addressed directly to the following States: *Bulgaria, Uruguay.*

Convention No. 44: Unemployment Provision, 1934

Czechoslovakia (ratification: 1950). The Committee notes with regret that, once more, the Government's report fails to indicate what measures have been taken to maintain a scheme ensuring the payment of benefits to persons who are involuntarily unemployed.

The Committee recalls that in 1956 a Government representative stated before the Conference Committee that "the competent authorities were examining the possibility of introducing the provisions of the Convention into the national legislation", and that this statement was confirmed in the Government's report for 1955-56. In 1957 the Committee requested the Government to keep it informed of the action taken in this connection. No reply was received to this request, which was repeated in 1958.

In 1958 a Government representative stated before the Conference Committee that "if a case arose in which a person was unable to find employment immediately, following a change of work, the said person would be covered by a system of state allowances". The Conference Committee expressed the hope that the Government's

next report would give details of the exact nature of this compensation and of the regulations on which it was based. In 1959 the Committee of Experts noted with regret that this information had not been supplied, and again requested the Government to "supply information on the precise nature of the unemployment benefits in Czechoslovakia to which the Government representative at the Conference Committee referred, and on the legislation or regulations in virtue of which they are paid".

In reply to this request, the Government stated in its report for the 1958-59 period that an ordinance of 27 August 1943 concerning benefits and allowances paid to persons involuntarily unemployed was still effective, but not applied in practice since no unemployment existed in the country. While expressing surprise that the Government was referring for the first time to a law passed during the war years, the Committee asked the Government to confirm that this ordinance was still in force, to indicate what administrative and financial measures had been taken to make it effective, and to inform workers of its provisions, and finally to supply a copy of the ordinance and of the regulations of application in force, if any.

The Committee regrets to note that the Government has not indicated in its latest report whether any measures have been taken to inform workers of the provisions of the above-mentioned ordinance, so that where appropriate they could ask for unemployment compensation and benefit, and that it did not enclose a copy of the ordinance and the regulations of application in force, as requested.

Since however the Government itself admits that the ordinance of 27 August 1943 is meaningless in terms of practical application and states that in view of the absence of unemployment "the establishment and maintenance of a relief system for the unemployed would be utterly incomprehensible to the Czechoslovak people", the Committee is forced to the conclusion that, apart from certain provisions for handicapped persons contained in the Decree of 8 March 1960, there is no general scheme actually in force providing benefits to persons involuntarily unemployed.

The Committee is therefore bound to point out, as it has done in the past, that the absence at a given moment of unemployment does not free the country from the obligation to maintain, in accordance with Article 1 of the Convention, "a scheme ensuring benefits or allowances to persons who might be involuntarily unemployed". The Committee hopes, therefore, that the Government will be good enough to establish the system provided for in the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, France, Norway*.

Convention No. 45: Underground Work (Women), 1935

China (ratification: 1936). The Committee takes note with interest of the statement made by a Government representative to the Conference Committee in 1960, indicating that the Government is taking strong measures to prohibit the employment of women in underground work. In its report the Government again states that it is contemplating submitting to the legislative power a new Labour Bill which will bring the national legislation into conformity with the Convention.

The Committee, therefore, trusts that the Government will take all necessary measures to secure application of this Convention, which was ratified 25 years ago, by prohibiting the employment of women on underground work of all kinds.¹

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Hungary (ratification: 1938). In reply to the observation made in 1961, a Government representative assured the Conference Committee that the new Labour Code would eliminate all discrepancies between the Convention and the legislation, although in practice women were not employed in underground work in mines.

In its report, the Government indicates that, should the new Labour Code not be promulgated shortly, a legislative instrument prescribing the full application of the Convention would be enacted.

The Committee takes due note of this assurance and again calls upon the Government to take the necessary steps to ensure that the national legislation is finally brought into conformity with the provisions of this Convention, which it ratified 24 years ago.¹

Yugoslavia (ratification: 1952). In reply to the observation made by the Committee in 1960, the Government indicates that no exemptions have been granted under section 76 of the Act respecting employment relationships. The Committee has taken note of this information.

However, as the Committee had pointed out in previous observations, the above-mentioned provision permits more numerous and wider exceptions than are authorized under Article 3 of the Convention. Consequently, the Committee must again urge the Government to take measures in the near future with a view to bringing the national legislation into full conformity with the Convention.

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In addition, requests regarding certain other points are being addressed to the following States: *Austria, Chile, Cuba, Dominican Republic, Finland, Federal Republic of Germany, Greece, India, Luxembourg, New Zealand, Nigeria, Pakistan, Peru, Poland, Spain, Switzerland, Tunisia, Turkey, Ukraine, United Arab Republic, Uruguay, Venezuela.*

Convention No. 48: Maintenance of Migrants' Pension Rights, 1935

Hungary (ratification: 1937). The Committee takes note of the Government's reply to the 1960 observation to the effect that the Government will not fail to re-examine the question of application of the Convention, with regard to other member States, even in cases where no bilateral agreements have been concluded, by undertaking a thorough study for the purpose of determining the measures which are yet to be undertaken and which would be possible for it to promulgate.

The Committee trusts that the Government will soon be able to take the necessary measures and would be grateful if the Government would give information in its next report on the progress made in this respect.

Spain (ratification: 1937). The Committee notes with regret that the Government has not replied to the observation made in 1960. In 1959 the Committee called the Government's attention to the fact that it should be possible to apply the Convention without bilateral agreements being concluded by the members bound by the Convention. At the 1959 and the 1960 Sessions of the Conference the Government representative informed the Conference Committee that the problem would be dealt with when the social security legislation then being prepared was adopted.

The Committee would be grateful if the Government would give information in its next report on the progress made in this respect.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Netherlands, Yugoslavia.*

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935

A request regarding certain points is being addressed directly to *Bulgaria.*

Convention No. 52: Holidays with Pay, 1936

Argentina (ratification: 1950). The Committee notes with regret that in its report for 1959-61 the Government has not answered the request made to it in 1960. Consequently, it is obliged to repeat its request, which reads as follows:

The Committee notes that the Government considers that the application of Article 2, paragraph 3 (b), of the Convention, which provides that interruptions of attendance at work due to sickness shall not be included in the annual holiday with pay, is ensured by section 1 of Legislative Decree No. 5569/57.

The Committee notes that this section of the Legislative Decree provides that in order to be entitled to an annual holiday, workers must have been employed during at least half the working days between 1 January and 31 December and that days of sick leave due to an industrial accident must be counted as having been worked. The Committee understands that this provision refers to the period of service required in order to become entitled to a holiday and that leave due to sickness or an industrial accident is included in this period. It points out however that Article 2, paragraph 3 (b), of the Convention does not deal with the effect of sickness on the *period of service*; its object is to limit the effect of sickness on the *holiday period*. Thus, the Convention indicates clearly that interruptions of attendance at work due to sickness shall not be included in the annual holiday with pay.

The Committee hopes that, in the light of these comments, the Government will find it possible to take steps so as to ensure legislative conformity with this provision of the Convention.

The Committee hopes that the Government will indicate in its next report the steps taken in the light of the points raised above.

Bulgaria (ratification: 1949). The Committee has noted with satisfaction that, following its observation made in 1959, sections 11 and 12 of Decision No. 36, dated 11 March 1958, which provided for the postponement of the holiday with pay in certain cases, have been amended so as to guarantee the granting *annually* of the minimum holiday prescribed by the Convention in all cases.

Burma (ratification: 1954). The Committee has taken note of the information supplied by the Government in reply to the direct requests made in 1959 and 1961. The Committee had already noted in 1958 that an amendment was under consideration to bring the Leave and Holidays Act into full conformity with the Convention. It observes that amendments to the legislation are being studied to give effect to the various points raised by the Committee. It mentions again some of these points in a direct request to the Government and hopes that the legislative amendments contemplated will be introduced in the near future to ensure full application of the provisions of the Convention.

Byelorussia (ratification: 1957). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee takes note with interest of the detailed first report supplied by the Government on this Convention (report for 1957-58 which was received too late to be examined by the Committee at its 1959 session).

It notes that under sections 91, 116 and 120 of the Labour Code provision is made for the replacement of holidays by compensation in cash or for the postponement of holidays. The Committee points out that the Convention authorises no exceptions whatever to the granting of annual leave with pay, and that in virtue of Article 4 of the Convention any agreement to relinquish the right to an annual holiday with pay or to forgo such a holiday shall be void. It hopes therefore that the Government will take the necessary measures to ensure that the legislation is brought into conformity with the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Cuba (ratification: 1953). The Committee notes with regret that the report of the Government contains no information in respect of its requests made in 1958 and 1960, which were as follows:

The Committee takes note with interest of the statement made by a Government representative to the Conference of 1957, indicating that interruptions of work due to sickness were absolutely separate from the right to holiday and were not counted in the annual paid holiday. The Committee would be glad to know in virtue of what provision this separation is ensured.

The Committee hopes that the Government will not fail to supply the information referred to above.

Czechoslovakia (ratification: 1950). The Committee has examined the Holidays with Pay Act dated 18 December 1959 and the Notification of the Central Council of Trade Unions, dated 28 December 1959, in application of the said Act, both of which texts have come to the attention of the Committee by reason of their publication in the *Legislative Series* of the I.L.O., although they were not mentioned in the Government's reports.

The Committee has noted with satisfaction that section 11 and section 12 of the aforesaid Act and Notification respectively give effect to the provisions of Article 3 (*a*) of the Convention (inclusion in holiday pay of the cash equivalent of benefits in kind), on the subject of which the Committee had made observations for several years.

France (ratification: 1939). The Committee has taken note of the information supplied by the Government to the Conference Committee in 1960, in answer to the observations which had been made for several years concerning section 54 (*m*) of Book II of the Labour Code, by virtue of which annual paid holidays may be suspended in certain undertakings. It has noted with interest that the text has never been applied and that its application is not contemplated. In these circumstances, the Committee considers that the Government would experience no difficulty in amending section 54 (*m*), of Book II of the Labour Code in the near future.

Greece (ratification: 1952). Following its observation made in 1960, the Committee has noted with satisfaction the Government's statement to the Conference Committee in 1960 according to which section 5, paragraph 3, of Act No. 539 of 1945, which authorises the Ministry of Labour to allow certain exemptions to the rule of paid holidays, has been repealed by section 11 of Act 4020 dated 11 November 1959.

Italy (ratification: 1952). The Committee has taken note of the detailed information supplied by the Government to the Conference Committee and repeated in its report in answer to an observation made in 1960.

It notes with regret that the Government still considers that the principle of applying either the Italian Constitution, the Civil Code or the many and various collective agreements, depending upon the case under consideration, is sufficient to ensure effective application of all the provisions of the Convention to all the workers concerned. As the Committee has already stressed several times, it cannot concur with this view, since neither the Italian Constitution nor the Civil Code nor the collective agreements give effect to certain standards laid down in the Convention.

For example, the Committee notes that, according to section 2109 of the Civil Code, the holiday shall be continuous *as far as possible*. While the Committee agrees that the holiday may be divided into parts, it observes that no provision in the national legislation guarantees that only that part of the holiday which exceeds the minimum duration prescribed by the Convention may be divided into parts, as required under Article 2, paragraph 4, of the Convention; nor do all the collective agreements ensure the application of this rule (for example: the collective agreement for the cinematographic industry, dated 15 March 1958).

As regards the persons covered by this Convention, it would not appear that the existing collective agreements cover all persons employed in the undertakings and establishments listed under Article 1, paragraph 1 (for example, those employed in newspaper undertakings and undertakings concerned with irrigation or drainage works).

The Committee notes from the information supplied by the Government in answer to the observations it had made concerning the above-mentioned inadequacies, that the clauses of an international Convention are inserted directly in the country's internal legislation and automatically receive "full and entire application" as soon as the Convention is ratified. The Committee feels bound to point out that article 19, paragraph 5 (*d*), of the Constitution of the I.L.O. calls upon all member States having ratified a Convention to take "such action as may be necessary to make effective the provisions of such Convention". In the present case, additional measures would appear necessary to make the provisions of the Convention effective, and particularly to avoid any confusion or uncertainty as to the exact situation under law and to make the provisions of the Convention fully known to all persons concerned. The Committee has in fact noted a decision of the Court of Appeal of Milan on 27 July 1955 (*Mass. Giur. Lav.* 1955, 184), according to which sickness occurring during the holiday does not, contrary to the Convention, suspend the duration of the holiday, although the Government had stated in its report that such a practice would be inadmissible.

In the circumstances, it seems unlikely that all persons interested (magistrates, workers, employers, inspectors, etc.) are fully informed of the provisions of the Convention and that the latter can be effectively applied solely through the principle of incorporation of international Conventions ratified in the national legislation.

Consequently, the Committee must repeat its previous observations and draw the Government's attention, as it had already done in 1957, to the necessity of adopting legislation ensuring the application of the minimum requirements of the Convention, in so far as they may not be already clearly implemented by existing provisions of the legislation or collective agreements, it being understood that higher standards may be fixed by collective agreements.

Mexico (ratification: 1938). The Committee has taken note with interest of the assurance given by the Government, in answer to the request made in 1960, that it will ensure that wide publicity is given to the Court decision condemning the practice of deducting days of absence from work because of illness from the annual holiday, which runs counter to section 82 of the Federal Labour Law and Article 2 of the Convention.

The Committee has also noted with satisfaction that under sections 85 and 86 of the Federal Labour Law and according to the practice of the Supreme Court of Justice, holiday pay must include the cash equivalent of all remuneration in kind (Article 3 of the Convention).

Morocco (ratification: 1956). The Committee thanks the Government for the information supplied in reply to a request made in 1961. It notes with satisfaction that the Dahir dated 26 December 1959 to amend section 10 of the Dahir of 9 January 1946 renders void any agreement to forgo an annual holiday with pay, in accordance with Article 4 of the Convention.

Ukraine (ratification: 1956). The Committee notes with regret that the report of the Government gives no information on the points raised in the observations made in 1959, 1960 and 1961. It is therefore compelled to repeat those observations, which were as follows:

The Committee notes that under sections 91, 116 and 120 of the Labour Code, provision is made for the replacement of the holiday by compensation in cash or for the postponement of the holiday. The Committee points out that the Convention authorises no exceptions whatever to the granting of annual leave with pay, and that, in virtue of Article 4 of the Convention any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void. It hopes therefore that the Government will take the necessary measures to ensure that the legislation is brought into conformity with the Convention.

The Committee trusts that the Government will do everything in its power to take measures without further delay, with a view to eliminating from the legislation the above-mentioned discrepancy.

U.S.S.R. (ratification: 1956). The Government not having supplied any information concerning the observation made in 1960, the Committee can only repeat its observation, which was as follows:

In reply to the observation made in 1959 regarding the replacement of holidays by compensation in cash (which is contrary to the Convention), the Government refers to section 4 of the Labour Code which provides that any agreement which is less favourable than the provisions of the Code shall be null and void. The Committee points out that it is the Code itself which authorises compensation to be paid to workers when the undertaking does not grant ordinary leave (sections 91 and 116) and that consequently, section 4 of the Labour Code would not appear to be applicable in this case. The Committee also notes the Government's statement that under the Regulations of 30 April 1930 holidays may be replaced by compensation only in exceptional cases. According to these Regulations holidays may however be replaced by compensation in cash in a number of cases (rules 23 to 27): if the administration refuses to grant leave because the absence of the worker would have an unfavourable effect on the working of the undertaking; if the administration failed to establish the priority in which the leave is to be granted; and if the holiday can no longer be postponed (i.e. if it has been twice postponed). The legislation thus permits a number of exceptions in the granting of annual holidays with pay; however, since the Government states that in practice there are very few cases in which the worker relinquishes his holiday and compensation in cash is given, the Committee hopes that it will have no difficulty in adopting the necessary legislation to ensure that the prescribed minimum annual holiday may not in any case be replaced by compensation in cash.

The Committee trusts that the Government will not fail to take the necessary measures, without delay, to give full effect to the Convention.

United Arab Republic (ratification: 1954). In 1958, 1959 and 1960 the Committee had made direct requests to the Government concerning the application of certain provisions of the Convention. No information having been given in reply, the Committee is obliged to repeat its request once more.

The Committee trusts that the Government will not fail to supply the information requested in its next report.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee recalls that it has already drawn the Government's attention in previous years to the discrepancy between the Convention and section 10 of the Act of 17 December 1945, in virtue of which holidays can be replaced by compensation in cash in certain cases. It notes that the Act of 23 December 1958, which modifies the Act of 1945, maintains this exemption. The Committee is therefore bound to point out once again that, under the terms of the Convention, the prescribed minimum annual holiday must be granted in all cases after one year's service and that the right to the minimum holiday may not be relinquished or forgone in any circumstances. It hopes that the Government will take urgent steps to eliminate this continued discrepancy between the national legislation and the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Burma, Byelorussia, Dominican Republic, Finland, Greece, Hungary, Mexico, Tunisia, Ukraine, U.S.S.R., United Arab Republic, Uruguay, Yugoslavia.*

Convention No. 53: Officers' Competency Certificates, 1936

Liberia (ratification: 1960). The Committee notes that the Government's report does not reply to the request for information made in 1961, which concerned the following points:

Article 5, paragraph 1, of the Convention. How many agents have been appointed under sections 12 and 13 of the Liberian Maritime Law, in order to ensure, *inter alia*, the "due enforcement" of the Convention "by an efficient system of inspection"? By what methods is the application of the Law and of its Regulations supervised and enforced? Please supply in particular information on the organisation and working of the inspection system.

Article 5, paragraph 2. According to the Convention national laws or regulations should provide for the cases in which the authorities of another country may detain vessels registered in Liberia on account of a breach of the provisions of the Convention. The Committee hopes that statutory provisions of this kind will be adopted in the near future.

Article 5, paragraph 3. Is there any provision whereby the authorities, when they find a breach of the provisions of the Convention on a vessel registered in the territory of another Member which has also ratified the Convention, must communicate with the Consul of the country concerned?

In addition the Committee would be grateful if the Government would forward as soon as possible, in accordance with Part V of the report form, general information on the way in which the Convention is applied, including, for example, extracts from the reports of inspection services, and also, as soon as the available statistics permit, information on the number of competency certificates issued during the year, the number and nature of the infringements reported and the action taken with regard to them.

The Committee trusts that the Government will not fail to give the information requested above.

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In addition, a request regarding certain other points is being addressed directly to *Bulgaria*.

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

Morocco (ratification: 1958). The Committee notes with satisfaction that, following the request of 1961, Dahir No. 1-61-360 of 30 December 1961 has been issued amending sections 189, 190 and 193 of Schedule 1 to the Dahir of 31 March 1919 to establish the Mercantile Shipping Code.

The above-mentioned Dahir eliminates the previous divergencies by restricting the exceptions allowed under Article 1 (2) (a), subparagraphs (ii) and (iii), of the Convention concerning the liability of owners of boats of less than 25 tons gross tonnage (the limit was previously 50 tons) or coast-wise fishing boats; by eliminating the proviso, contained in section 189, that entitlement to medical assistance would begin only when the ship left the port (Article 2 (1) (a) of the Convention); and by establishing that the port to which the seaman is repatriated should be the port where he was engaged or, for foreign seamen, a port in the injured seaman's country

or in the country by whose legislation he was covered at the time of engagement, according to an agreement to be concluded at the time of engagement.

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Requests regarding certain other points are being addressed directly to the following States: *Italy, Liberia, Morocco*.

Convention No. 56: Sickness Insurance (Sea), 1936

Requests regarding certain points are being addressed directly to the following States: *Belgium, Bulgaria, Yugoslavia*.

Convention No. 58: Minimum Age (Sea) (Revised), 1936

Belgium (ratification: 1938). The Committee notes with satisfaction that, following the observations made in previous years, the Act dated 15 June 1961 has raised the minimum age for admission to employment at sea from 14 years to 15 years.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

... section 223 of the Children's Code fixes the minimum age for employment in industrial establishments at 14 years of age. No provision is made expressly laying down a minimum age with respect to employment at sea, and section 225 of the Children's Code fixes at 12 years the minimum age at which the Council for Children may authorise work to be done by minors, if they certify that they have attended an elementary course of primary education, and providing that such work is necessary for their maintenance, or that of their parents or brothers and sisters.

However, Article 2 of Convention No. 58 fixes the minimum age for employment on board vessels at 15 years of age, even for work which is not dangerous. Likewise, Article 2 of Convention No. 59 fixes the minimum age for employment in industrial establishments at 15 years of age. Finally, Convention No. 60 fixes the minimum age for entry into non-industrial employment in general at 15 years of age, while permitting children over 13 years of age to carry out light work outside the hours fixed for school attendance, provided that such work is not harmful to their health or prejudicial to their attendance at school.

The Committee can only once again urge the Government to take the necessary measures to give effect to Conventions Nos. 58, 59 and 60, which were ratified in 1954.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Liberia, Turkey*.

Convention No. 59: Minimum Age (Industry) (Revised), 1937

Albania (ratification: 1957). The Committee notes from the Government's first report that under section 9 of the Labour Code a young person who has attained 14 years of age may conclude a contract of employment. Since this provision is incompatible with Article 2 of the Convention, which requires that children under

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

the age of 15 years shall not be employed or work in any industrial undertakings, the Committee hopes that measures will be taken to remove this discrepancy between national legislation and the Convention.

The Committee further notes, as regards Article 4 of the Convention, that under section 8 of the Labour Code the date of birth is entered in the workbook to be provided for all wage and salary earners by the management of the undertaking. As these workbooks do not appear to meet the requirement of the above-mentioned Article 4 that every employer in an industrial undertaking should "keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births", the Committee hopes that the keeping of such registers will be required in future.

Italy (ratification: 1952). Having regard to the observations which the Committee has previously made on this question, the Committee notes with satisfaction that Law No. 1325 of 29 November 1961 has raised to 15 years the minimum age for admission to work in accordance with Article 2 of the Convention.

Uruguay (ratification: 1954). See under Convention No. 58.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Italy, Luxembourg, Nigeria*.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937

Italy (ratification: 1952). See under Convention No. 59.

New Zealand (ratification: 1947). Further to its previous observations, the Committee notes that the Government has denounced this Convention and that it will consider the question of becoming a party to the Convention at a later date if it is able at that stage to bring its legislation to the appropriate standard.

Uruguay (ratification: 1954). See under Convention No. 58.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Italy, Luxembourg*.

Convention No. 62: Safety Provisions (Building), 1937

France (ratification: 1950). The Committee takes note with interest of the progress made by the Tripartite Subcommittee of the Industrial Safety Committee with a view to adopting measures to give effect to certain provisions of the Convention which are not yet applied by the national regulations.

It also notes with satisfaction that Article 7, paragraphs 3 (c), 7 and 8, of the Convention appear to be applied by sections 3, 17, 18 and 19 of the Order of 24 January 1961 and that section 7 of the Decree of 19 July 1958, which defines work considered dangerous for women and children, gives effect to the provisions of Article 13, paragraph 2, of the Convention.

The Committee hopes that the measures contemplated by the above-mentioned Tripartite Subcommittee to bring the national legislation into full conformity with the Convention will be introduced shortly and that, moreover, paragraphs 1, 2 and 6

of Article 7 of the Convention, concerning which the Government has not made any answer, will also be taken into consideration.

Uruguay (ratification: 1954). The Government having again omitted to supply the report on the application of the Convention the Committee is obliged to repeat its observation made in 1960, which was as follows:

The Committee notes that a decree was issued on 17 February 1959 which contains new provisions regarding the thickness of ropes to be used on scaffolding; it finds however that this new measure does not affect the points on which discrepancies between the national legislation and the provisions of the Convention were noted in previous years. In this connection the Committee recalls that the Government stated in its report for 1956-57 that new legislation, which was on the point of completion, would ensure the application of Articles 3 (a); 10 (2); 11 (1) and (2); 12 (1) and (2); 14 (1), (3) and (4), and 15 (2) and (3) of the Convention.

The Committee deplores the fact that conformity between the national legislation and the Convention has still not been achieved this year. It urges the Government once again to do everything possible to hasten the adoption of laws or regulations giving effect to all the prescriptions of the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, France, Mexico, Poland, Tunisia*.

Convention No. 63: Statistics of Wages and Hours of Work, 1938

Cuba (ratification: 1954). The Committee has taken note of the promulgation of an Act, No. 907 dated 31 December 1960, to establish a Directorate of Statistics in the Ministry of Labour and an Act, No. 761 dated 18 March 1960, respecting a census of workers. It notes that these two new legislative instruments provide for the compilation of statistics on wages and hours of work.

As this new legislation is now in force, the Committee trusts that, as indicated in the report, the Government will take the necessary measures to compile and publish as soon as possible the statistics provided for in the Convention.

Czechoslovakia (ratification: 1950). The Committee has noted with interest, from the detailed information given in answer to the observation made in 1960, that statistics of hours actually worked include workers in building and construction. It hopes that measures can be taken to ensure that these statistics give separate figures for each of the principal industries, as required by Article 5, paragraph 3, of the Convention.

Furthermore, the Committee must urge the Government once again to compile statistics of time rates of wages and of normal hours of work in mining and manufacturing in accordance with Part III of the Convention.

France (ratification: 1951). The Committee has noted that the reply of the Government to the observations made in 1960 shows no progress as regards the extension of statistics on time rates of wages to other industries than the mining and metallurgical industries, in accordance with Article 13 of the Convention. Since the observations on this subject have been made since 1954, the Committee must draw the Government's attention yet again to the need for adopting measures in the near future to give effect to Article 15, paragraph 1, of the Convention, which provides,

¹ The Government is requested to provide full particulars to the Conference at its 46th Session and to supply a detailed report covering the period 1961-62.

inter alia, that separate figures shall be given, at intervals of not more than three years, for the principal occupations in a wide and representative selection of the different industries.

Mexico (ratification: 1942). The Committee, having examined the information contained in the report in answer to its observation and direct request of 1960, draws the attention of the Government to the following points:

Part II of the Convention. The Government indicates that plans have been established with a view to compiling accurate statistics of average earnings. Since such statistics would seem to have been published for the last time in 1957 (*Anuario estadístico de México, 1957*), the Committee hopes that the plans announced by the Government will soon be implemented so as to give effect to the provisions of Part II of the Convention.

The Committee hopes in particular that the statistics of average earnings will include workers employed in building and construction as provided for under Article 5 paragraph 1, of the Convention, and that the statistics of hours actually worked will be published *for wage earners employed* in each of the principal industries.

Finally, the Committee is obliged to draw attention again to Article 10, paragraph 2, of the Convention, concerning the publication of separate statistics for both sexes and for adults and juveniles at least once every three years, bearing on average earnings and, as far as possible, hours actually worked.

Part III. The report contains no indication with regard to statistics of time rates of wages and normal hours of work.

Part IV. The report contains no new information concerning statistics of wages and hours of work in agriculture.

In these circumstances, the Committee must again insist that statistics be drawn up and published in the manner provided for in the Convention, which was ratified 20 years ago.

Sweden (ratification: 1939). The Committee has noted that, according to the report of the Government, draft legislation concerning the compilation of annual statistics in the building and construction industry has been sent to the Swedish Association of General Contractors and House Builders with a request for its opinion. The reply of this Association was expected for the month of October 1961.

Since the Committee's observations on this point date back to 1950, the Committee urges the Government to take the necessary steps to ensure the compilation and publication of the statistics in question.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes that, while index numbers showing the movement of earnings between 1952 and 1957 have been published, on the basis of figures supplied by the Central Family Allowances Fund, the Government states that the available data do not make possible the compilation of statistics of average earnings, in accordance with Part II of the Convention. Nor is effect given to the requirements of Part II regarding statistics of hours actually worked, to Part III, or to Part IV.

The Committee urges that measures be taken at a very early date to give effect to the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Ceylon, Chile, Czechoslovakia, Finland, United Arab Republic, Uruguay.*

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

Republic of Congo (Leopoldville). The Committee takes note with interest of the Government's report. Since this report arrived very late and makes reference to new legislation of a highly complex character, the Committee has considered it necessary to defer examination until its next session. Nevertheless, it thinks it useful to draw the Government's attention to the complexity of the new legislation, which will certainly render its application very difficult. It would indeed be desirable that workers should easily be able to know and understand the extent of their rights, particularly in the case of rules relating to contracts of employment.

Convention No. 67: Hours of Work and Rest Periods (Road Transport), 1939

Requests regarding certain points are being addressed directly to the following States: *Cuba, Uruguay.*

Convention No. 68: Food and Catering (Ships' Crews), 1946

Requests regarding certain points are being addressed directly to the following States: *Bulgaria, Netherlands.*

Convention No. 69: Certification of Ships' Cooks, 1946

Requests regarding certain points are being addressed directly to the following States: *France, Poland, Portugal.*

Convention No. 73: Medical Examination (Seafarers), 1946

Argentina (ratification: 1955). The Committee regrets to note that the Government has failed to reply to the urgent requests made by the Committee in 1958, 1959 and 1960. The Committee can only insist once more that the Government will not fail to provide the information again asked for in the request addressed to it directly.¹

France (ratification: 1948). Further to its direct request of 1959 the Committee notes with satisfaction that under Decree No. 60-865 of 6 August 1960 the medical certificate remains in force for one year for persons over 18 years of age and six months for persons below that age, in full conformity with Article 5 of the Convention.

Italy (ratification: 1952). The Committee notes with interest that the Bill designed to bring national legislation into conformity with the provisions of Articles 4 and 5 of the Convention has been submitted to the Senate. It trusts that this Bill will soon be enacted.

¹ The Government is asked to furnish a detailed report for the 1961-62 period.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound therefore, to repeat its observation of 1959, which was as follows:

The Committee notes with regret that no information whatever is supplied in reply to its observation of 1958. As the Government had already indicated in its first report (for 1955-56) that it was taking steps to give effect to this and other Conventions ratified in 1954 and as no such steps appear to have been taken thus far, the Committee urges the Government to do so without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Poland, Portugal*.

Convention No. 74: Certification of Able Seamen, 1946

Requests regarding certain points are being addressed directly to the following States: *Poland, Portugal*.

Convention No. 77: Medical Examination of Young Persons (Industry), 1946

France (ratification: 1951). Referring to its observation of 1960 and noting that the report does not contain the information requested, the Committee would be grateful if the Government would indicate what progress has been made in adopting the decrees, on the organisation and working of medical services in mining undertakings, provided for in the Ordinance of 6 January 1959 concerning industrial medicine in mines and quarries.

Hungary (ratification: 1956). The Committee takes note with interest of the statement in the report, in reply to the direct request of 1961, that the Government is examining the measures to be taken to bring national legislation into harmony with the provisions of the Convention as regards medical re-examination (Article 3, paragraph 3, of the Convention) and the methods of supervision (Article 7).

The Committee expresses the hope that these measures will be adopted at an early date.

Israel (ratification: 1953). The Committee notes with interest from the reply to the Committee's direct request made in 1960 that Regulations to specify the occupations in which examinations shall be required until at least the age of 21 years (Article 4, paragraph 2, of the Convention) will be made in the course of 1962.

The Committee trusts that these Regulations to which the Government referred already in its report for 1955-56, will be adopted without further delay.

Italy (ratification: 1952). The Committee notes with interest from the information supplied in the Conference Committee in 1960, as well as in the report, that new measures are being taken to bring the national legislation into conformity with the Convention.

As these amendments have been under consideration since 1955, and as they relate to basic provisions of the Convention, the Committee trusts that they will be adopted in the very near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Argentina, Byelorussia, France, Guatemala, Haiti, Iraq, Poland, U.S.S.R., Uruguay*.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946

France (ratification: 1951). The Committee notes from the reply to the observation of 1960 that draft legislation and other measures to ensure the medical protection of young persons employed in domestic service or working on their own account are under consideration. The Committee trusts that these measures will be adopted shortly, particularly as the Government had stated already in 1958 in the Conference that such legislation was contemplated.

As regards measures of identification of children and young persons engaged on account of their parents in itinerant trading or in any other occupation in public places, the Government refers to sections 88 to 90 of Book II of the Labour Code, under which the employers of children must keep a register mentioning the name, date of birth and domicile of these children. However, as the Committee pointed out in 1960, these requirements cannot be considered a substitute for the measures of identification of these children called for by Article 7, paragraph 2 (a), of the Convention. The Committee hopes that steps to this end will also be taken in the near future.

Guatemala (ratification: 1952). The Committee notes that no legislative provisions have been adopted to give effect to Article 1, paragraph 1 (application of the Convention to young persons working on their own account or on account of their parents), and to Article 7, paragraph 2 (a), of the Convention (measures of identification of such young workers engaged in itinerant trading or in any other occupation in public places).

The Committee hopes that the necessary measures will be taken in the near future to fill the gaps regarding a Convention ratified ten years ago, on these points.

Israel (ratification: 1953). The Government has stated in its report, in reply to the Committee's direct request, that regulations as contemplated by Article 4, paragraph 2, of the Convention will probably be issued during this year. The Committee expresses the hope that regulations providing for the medical examination and re-examination of young persons until at least the age of 21 years in occupations involving high health risks will be adopted without further delay.

Italy (ratification: 1952). See under Convention No. 77.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Argentina, Bulgaria, Byelorussia, Cuba, Guatemala, Haiti, Hungary, Israel, Poland, Ukraine, U.S.S.R., Uruguay.*

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946

Argentina (ratification: 1955). The Committee regrets to note that, although the Government had promised the Conference Committee in 1960 that draft legislation would be adopted with a view to bringing national legislation into conformity with the Convention, the Government's latest report still fails to indicate any progress achieved in this respect. The Committee is therefore bound to point out once again 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 under the age of 18 years of only ten hours in summer and 11 hours in winter, whereas the Convention requires the prohibition of night work to cover a period of at least 14 consecutive

hours in the case of children under 14 years of age (Article 2) and at least of 12 consecutive hours in the case of children between 14 and 18 years of age (Article 3). The Committee urges the Government to amend its legislation to give full effect to the provisions of the Convention on this point.

The Committee also notes with regret that, despite the request sent to the Government in 1958 and repeated in 1959, the Government has not yet indicated what arrangements have been made for the granting of individual licences in the case of the employment in a public entertainment at night of young persons under 18 years of age. The Committee trusts that in preparing the draft legislation which is to ensure conformity with the provisions of the Convention provision will also be made for the establishment of a system of licences in such cases, as required by Article 5 of the Convention.

Bulgaria (ratification: 1949). The Committee notes from the Government's reply to the observation of 1960 that according to a circular issued on 26 May 1959 by the Directorate for the Protection of Labour the nightly rest of young persons under 18 years of age shall include a period between 10 p.m. and 6 a.m. However, as the Committee has pointed out, under section 5 of the Ordinance of 5 March 1959 young persons may start work in summer at 5 a.m., whereas under Article 3, paragraph 1, of the Convention, they may in no case start work before 6 a.m. The Committee hopes that the Government will find it possible to amend the said ordinance in order to bring it into conformity with the provisions of the Convention.

Cuba (ratification: 1954). The Committee notes with regret that resolution No. 143 of 22 May 1959 authorising the employment at night of young persons between 14 and 18 years of age as messengers, commissionaires, etc., in restaurants, clubs, hotels, cabarets, etc., is contrary to the Convention. The Committee hopes that the legislation will again be brought into full conformity with Article 3, paragraph 1, of the Convention, which provides that young persons shall not be employed or work at night in non-industrial occupations.

Guatemala (ratification: 1952). Further to its previous observation and requests, the Committee notes with satisfaction that the Decree of 5 May 1961 has amended section 161 of the Labour Code by defining "night work" as work carried out between 6 p.m. and 6 a.m. (i.e. a period of 12 hours), thus bringing the national legislation into conformity with the provisions of Article 3 of the Convention.

Israel (ratification: 1953). The Committee notes from the report that due to the re-election of Parliament the necessary steps to amend section 25 (a) of the Youth Work Act will be taken in 1962. The Committee trusts that it will be possible in this way, as pointed out since 1956, to bring national legislation into conformity with Article 3, paragraph 2, of the Convention, which provides that the extension of work of children and young persons of 14 to 18 years up to 11 o'clock at night can be authorised in certain exceptional circumstances only.

Italy (ratification: 1952). See under Convention No. 77.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Byelorussia, Cuba, Dominican Republic, Guatemala, Luxembourg, Ukraine, U.S.S.R.*

Convention No. 81: Labour Inspection, 1947

Argentina (ratification: 1955). The Committee notes the information supplied in reply to the observation made in 1960.

Application of the Convention in the Federal Capital.

The Committee notes that the Government has not replied to the points raised in the observation of 1960 in connection with Articles 7, 13 and 14 of the Convention, which were as follows:

Article 7 of the Convention. It is noted that there exist no formal arrangements for the training of labour inspectors.

Article 13. Under what legislative provisions are labour inspectors empowered to take the steps provided for in this Article?

Article 14. What legislative provisions require industrial accidents and cases of occupational disease to be notified to the labour inspectorate?

In connection with Article 12, the Committee notes the statement of a Government representative to the Conference Committee in 1960 that on the one hand, section 4 of Law No. 8999 authorises inspectors to enter without warning any premises during working hours, and on the other hand, Law No. 11544 authorises them to enter even outside working hours with the assistance of the police. However, the latter does not *expressly* provide for such a possibility and deals only with breaches of the provisions governing working hours, which are the subject of the law. In these circumstances, the Committee would be glad if measures could be taken to bring the federal legislation into full conformity with all the provisions of Article 12 of the Convention.

As regards the annual report on the work of the labour inspection services (Articles 20 and 21 of the Convention), the statistical information supplied by the Government cannot be considered as giving effect to the provisions of these Articles which require that such a report must be *published* within 12 months after the year to which it refers, must be communicated to the Office within three months after publication and must contain all the information called for under paragraphs (a) to (g) of Article 21. The Committee trusts that the Government will not fail to take the necessary measures in this connection to ensure that future reports will reach the Office within the required time.

Application of the Convention in the Provinces.

The Committee thanks the Government for communicating the texts of the laws or decrees relative to labour inspection in the various provinces. On examination of these texts, the Committee notes, particularly with regard to Article 12, which may be regarded as a basic Article, that the Convention is not or is only partially applied. It is, moreover, impossible for the Committee to appreciate the degree of application of the Convention solely by examination of these texts and in the absence of information supplied under each separate Article as requested in the form of report approved by the Governing Body.

As the very summary information so far received from the Government confirms the Committee's impression that, both in the federal capital and in the provinces, the Convention receives only a very limited application, the Committee urges the Government—(1) to re-examine the whole situation; (2) to ensure that the necessary measures will be taken to give full effect, throughout the territory, to this important Convention, which was ratified seven years ago; (3) to provide complete and detailed information in its next report on the progress made concerning the different provisions of the Convention.

Austria (ratification: 1949). The Committee has noted with interest the statement in the Government's report concerning the points raised by the Austrian Congress of Chambers of Labour with regard to the application of the Convention in the mining and transport industries. Whereas the Congress maintains that the effective application of the labour laws could only be ensured by centralisation of labour inspection activities in a single department, the Mines Administration considers that such centralisation would be undesirable, because of the need for special experience and knowledge on the part of the inspection staff in the mining and transport industries.

In this connection, the Committee refers to Article 4, paragraph 1, of the Convention, according to which "so far as is compatible with the administrative practice of the Member, labour inspection shall be placed under the supervision and control of a central authority". While this wording leaves the degree of centralisation to be decided by the Government, it would nevertheless appear desirable to promote effective co-operation between the various inspection services, as provided for under Article 5 (a) of the Convention. The Committee would therefore be grateful if the Government would supply information in future reports regarding developments in this field, particularly with respect to effective co-operation between the various inspection services.

Belgium (ratification: 1957). The Committee notes with interest that a Bill respecting labour inspection is under consideration by Parliament. Since this text relates to basic provisions of the Convention such as Articles 12, 13 and 15, the Committee hopes that the Bill will soon be adopted.

Bulgaria (ratification: 1949). The Committee has taken note of the Government's reply to its direct request made in 1961 according to which the labour inspectors of the trade unions enjoy by virtue of the Labour Code, the Penal Code and other texts, the same protection and rights as the public supervisory organs of Bulgaria (Article 6 of the Convention).

Ceylon (ratification: 1956). The Government's report for 1959-61 does not indicate, in reply to the observation of 1960, whether any action has yet been taken to require labour officers to treat the source of any complaint as absolutely confidential (Article 15 (c) of the Convention). The Committee hopes that measures to give effect to this requirement of the Convention will be adopted at an early date.

The Committee also notes that the section of the Administration Report of the Commissioner of Labour for 1960, dealing with Occupational Health and Research, does not include statistics of occupational diseases as required by Article 21 (g) of the Convention. It trusts that these statistics will be incorporated in the next Administration Report.

Dominican Republic (ratification: 1953). The Committee notes with regret from the Government's reply to its direct request made in 1960 that the draft regulations on industrial safety and hygiene are still under consideration. Since this instrument is to give effect, *inter alia*, to Article 13, paragraph 2, of the Convention (authority of inspectors to order measures to protect the health and safety of workers), the Committee would be grateful if the Government would take the necessary measures to adopt these regulations soon.

Moreover, the most recent copy supplied of the report published by the Secretary of State for Labour covers the year 1958. The Committee reminds the Government of the obligation to publish an annual general report on the work of the inspection service, containing all the information listed in paragraphs (a) to (g) of Article 21 of the Convention, within 12 months of the end of the year to which it refers. The

Committee trusts that the reports for the period following 1958 will soon be published and will be communicated in due time to the International Labour Office (Article 20).

Federal Republic of Germany (ratification: 1955). The Committee thanks the Government for its reply to the direct request made in 1960 from which it notes with satisfaction that effect is now given to Part II of the Convention by the amendment to section 139 (g) of the Industrial Code, which provides for the transfer of the labour inspection in all commercial undertakings to the industrial inspection authorities.

Greece (ratification: 1955). The Committee has noted the replies of the Government to its observation made in 1960, particularly the terms of Decree No. 868 of 1960 regarding the organisation of the Ministry of Labour. It draws the attention of the Government to the following points:

Articles 12 and 13 of the Convention. Contrary to the indications given by the Government to the Conference, the new provisions of the above-mentioned decree (particularly section 28) do not give effect to the provisions of the Convention relating to the powers of labour inspectors defined in Articles 12 and 13.

Article 14. There is no new provision making it compulsory to notify the *labour inspectorate* of cases of occupational disease.

Articles 20 and 21. No measure would appear to have been taken to ensure the publication by the labour inspection authority of an annual report of a general nature (which is also prescribed under section 7 of Legislative Decree No. 2954 of 1954) containing the information required by virtue of Article 21 of the Convention.

Since the above points have been raised by the Committee several times, the Committee trusts that the Government will take the necessary measures to bring the national legislation and practice into conformity with the Convention.¹

Guatemala (ratification: 1952). While it notes with interest that section 281, paragraph (f), of the new Labour Code gives effect to Article 12, paragraph 1 (c) (iv), of the Convention, the Committee regrets that the Government's replies to observations made in previous years leave the following points unanswered:

Article 12, paragraph 1 (c) (i) and (ii), of the Convention. It would not appear that the new Code empowers inspectors (1) to interrogate *alone* or in the presence of witnesses the employer or the staff of the undertaking; (2) to copy or make extracts from the books or registers consulted during the inspection visit.

Article 14. There is no provision making it *compulsory* to notify the *labour inspectorate* of cases of occupational disease, as called for in the various observations made since 1957.

Articles 20 and 21. The Government has not as yet taken any action to ensure the publication of an annual general report on the activities of the inspection services and containing the information required under Article 21 of the Convention.

The Committee urges the Government to take the necessary measures to bring the national legislation into conformity with this important Convention.

Haiti (ratification: 1952). The Committee has taken note with interest of the labour inspection report supplied by the Government for the period 1959-60. It also thanks the Government for the information supplied in reply to its request of 1960. It has noted in particular that labour inspectors will be gradually freed of the additional duties devolving upon them at the present time, as and when this becomes possible. It has also observed with satisfaction that section 496 of the Labour Code

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

of 6 October 1961 authorises labour inspectors to take and remove samples of materials and substances used or handled, which brings the national legislation into conformity with Article 12, paragraph 1 (a) (iv), of the Convention.

However, the Committee notes with regret that, in spite of the many observations made in this connection, the new Labour Code does not contain any provision making it compulsory to notify the labour inspectorate of industrial accidents and cases of occupational disease (Article 14 of the Convention). It requests the Government to be so good as to take the necessary measures to bring the legislation into conformity with the Convention on this point.

India (ratification: 1949).

Articles 20 and 21 of the Convention. The Committee notes that the annual report on the working of the Factories Act has not been transmitted to the International Labour Office and that the report on the working of the Minimum Wages Act in 1959 contains only the information required under paragraphs (b) and (d) of Article 21. The Committee trusts that the Government will be able in future to give effect to the requirements of the Convention concerning the date of publication and the content of annual inspection reports.

Iraq (ratification: 1951). The Committee notes with satisfaction that effect has been given to Part II of the Convention, the obligations of which Iraq accepted in 1960, by the promulgation of Law No. 63 of 1960, which extends the field of labour inspection to cover not only industrial but also commercial undertakings.

The Committee notes with regret, however, that the Government has not yet found it possible to publish an annual general report on the work of the labour inspection services. Recalling that the Convention was ratified as long ago as 1951, the Committee trusts that such a document will be published without further delay and that a copy will be forwarded to the International Labour Office (Articles 20 and 21 of the Convention).

Israel (ratification: 1955). The Committee notes with interest from the Government's reply to the direct request made in 1960 that the report on the work of the labour inspection services, required under Article 20 of the Convention, is now ready for publication, and that a copy will be sent immediately after publication.

Italy (ratification: 1952). The Committee noted with interest from the detailed reply of the Government to the requests made in 1959 and 1960 that the annual report on the activities of the labour inspectorate in 1959 was published in 1960.

Japan (ratification: 1953). The Committee notes with satisfaction from the reply to the direct request made in 1960 that the Annual Labor Standards Inspection Reports submitted for the years 1958 and 1959 contain the statistics enumerated in Article 21 of the Convention.

Morocco (ratification: 1958). The Committee thanks the Government for having sent the text of the dahir adopted on 16 January 1962 in order to give effect to a request made in 1961. It has noted with satisfaction that the dahir complies in full with the provisions of Article 12 of the Convention.

Pakistan (ratification: 1953). The Committee has taken note of the Government's reply to its observation of 1961, according to which the question of giving effect in practice to the requirements of Article 21 of the Convention concerning the publication of annual reports on the work of the inspection services is at present under consideration. It hopes that the necessary measures will be taken so that this publication can be issued in the near future and that copies will be sent to the Office in due time.

The Committee further notes that the Government does not mention any progress with respect to the adoption of the new legislation which was to amend the Mines Act, 1923, and the Factories Act, 1934, to bring them into conformity with the provisions of the Convention. It trusts that this legislation (which has been under consideration since 1956) will be enacted without delay and that the Government will not fail to provide the text of the new provisions.¹

Turkey (ratification: 1951). The Committee thanks the Government for communicating the detailed reports on the activities of the labour inspectorate for 1957 and 1958. It reminds the Government, however, that these reports should be published within 12 months of the end of the year to which they refer; it hopes that future reports will reach the Office within the required period and will contain the statistics of violations and of penalties imposed required under Article 21 (*e*) of the Convention.

United Arab Republic (ratification: 1956). The Committee notes with regret that the Government's report supplies none of the information requested by the Committee in 1959 and again in 1960. It finds, however, that the Labour Code of 1959 would appear to give effect to some of the points raised, although this is not indicated in the report. In these circumstances the Committee is addressing a further direct request for information on the application of certain of the Articles of the Convention to the Government. The Committee trusts that the Government will not fail to supply full information on all the matters raised, in its next report.

Yugoslavia (ratification: 1955). Following its direct request of 1960, the Committee has noted that the last report of the labour inspectorate, published in 1961 and sent to the International Labour Office, refers to the year 1957. The Committee hopes that the Government will take the necessary measures to ensure that in future the reports on the activities of the inspection service are published and sent to the Office within the time limits prescribed in Article 20 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Brazil, Bulgaria, Cuba, Cyprus, Denmark, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Iraq, Ireland, Italy, Morocco, New Zealand, Nigeria, Sierra Leone, Tanganyika, Tunisia, Turkey, United Arab Republic.*

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947

Central African Republic. In 1961, noting that the Government had supplied no report, the Committee asked it to supply the report in time for the 1962 Session. The Committee notes with regret that the Government has failed to do so. In these circumstances, recalling that the Government undertook, upon its admission to the I.L.O., to continue to apply the provisions of this Convention until it could proceed to ratify the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Committee must again insist that the Government submit a detailed report for the 1960-62 period, indicating what effect is given to the Convention.²

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the period 1961-62.

² The Government is requested to furnish a detailed report for the period 1960-62.

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In addition, a request regarding certain points is being addressed directly to *Ghana*.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

Requests regarding certain points are being addressed directly to the following States: *Central African Republic, Gabon, Ivory Coast, Niger, Senegal, Upper Volta*.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

One member of the Committee, Mr. Gubinski, stated that he insisted on the fact that, as last year, he could not associate himself with the Committee's observations regarding the application of the Freedom of Association Conventions in socialist countries (Byelorussia, Hungary, Poland, Ukraine and the U.S.S.R.) since, in his opinion, account should be taken of the economic and social system existing in these countries.

The Committee considered 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.

* * *

Burma (ratification: 1955). The Committee has taken note of the information given in the report in reply to the requests which it addressed to the Government in 1961. It has also taken note of the different questions which were referred to it by the Governing Body of the I.L.O. on the recommendation of its Committee on Freedom of Association.

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 the establishment of trade unions capable of "furthering and defending the interests" of their members and, furthermore, have the indirect result of prohibiting the establishment of a new trade union whenever a trade union already exists in the undertaking or establishment concerned.

2. The Committee hopes that, when this revision of the Act is being undertaken, the Government will not fail to amend sections 6 (*h*) and 22 of the Act, which are not in harmony with the Convention, as the Committee pointed out in 1961 in a direct request which was, in substance, as follows:

A. Under section 6 (*h*) of the Trade Unions Act, as amended in 1959, any official of a trade union who is an executive member of any political party must

cease to be an official of the trade union. This provision appears not to be in conformity with Article 3 of the Convention, under which workers' and employers' organisations have the right "to elect their representatives in full freedom" and the public authorities must refrain "from any interference which would restrict this right".

B. Section 22 of the Trade Unions Act, as amended in 1959, provides that all the officers of every registered trade union shall be employees of the undertaking or establishment for which the trade union is formed. This provision, which has the effect of prohibiting the election as trade union leaders of persons not working in the undertaking or establishment concerned, is also not in conformity with Article 3 of the Convention, which provides for the right of organisations "to elect their representatives in full freedom". It is, moreover, liable to facilitate acts of interference.

3. The Committee expresses the hope that the Government will indicate in its next report what progress has been made towards bringing the legislation into harmony with the Convention in these respects.

Byelorussia (ratification: 1956). The Committee observes that the Government has not supplied the report requested of it. It regrets this all the more so since the Government merely repeated before the Conference Committee the information already supplied in the 1961 report, adding only that the observation relating to section 152 of the Labour Code was based on a faulty interpretation of the Labour Code. In these circumstances, the Committee points out that whenever any provision appears to be liable to be interpreted in a manner incompatible with the Convention, it must insist on the repeal or amendment of such provision, in order to remove any likelihood of a breach of the Convention; it can only, moreover, repeat its previous observations, which were as follows:

As is apparent from the various comments made below, the main provisions which may restrict the rights provided for in the Convention and infringe the guarantees laid down therein are sections 152, 153, 156, 157 and 158 of the Labour Code, the Decrees of 23 June 1933 and 21 August 1934, the Order of 15 May 1935, article 18 of the Civil Code and possibly also the provisions applying the federal Decree of 6 January 1930. The Committee expresses the hope that the Government will take all necessary measures to amend, repeal or supplement the provisions in question having regard to the observations made below, which relate to the direct request made by the Committee in 1960 and to the information contained in the Government's report.

1. In 1960 the Committee made the following comments in paragraphs 1 and 2 of its request:

In the first place the Committee has observed that the Government refers to the provisions of article 101 of the Constitution of the Byelorussian S.S.R. which, it declares, "guarantees to all citizens without distinction the right to form social organisations including trade unions". It notes, however, that this constitutional provision establishes a right which is exercised according to rules established by law: thus "social organisations" are set up and function in accordance with certain rules prescribed by law in respect of each of them. It is necessary therefore to consider to what extent the legislation in force guarantees freedom of association as defined by the Convention.

In this connection the Committee observes that the legislation of the Byelorussian S.S.R. draws a distinction between salaried and wage-earning workers, on the one hand, and self-employed (non-salaried) workers, on the other.

2. The Government merely states that the Constitution is the basic law, and that the legislation makes no distinction between the various categories of workers.

3. The Committee is, however, bound to observe once more that different legislative provisions apply to the various kinds of "social organisations", each one of which corresponds to a different category of workers: "trade union organisations" for salaried and wage-earning workers, "unions" for certain non-manual, non-salaried workers, and "co-operatives" for certain non-salaried workers in agriculture and crafts.

4. Firstly, as regards salaried workers, the Committee pointed out in 1959 and 1960 that—the provisions of articles 152 and 153 of the Labour Code, read together, resulted in a requirement of previous authorisation which is not compatible with Article 2 of the Convention.

5. The Committee also observed that—

from the information available, the Central Council of Trade Unions would appear to have a dual character: firstly, that of a superior federal organisation of all the trade unions, and secondly, that of an organ invested with the exercise of a part of the powers of the State, because it has the function of “issuing” the rules for the application of labour legislation. In these circumstances it does not always seem possible to ascertain in which capacity this organ is acting on each occasion that it performs a function, especially where it is effecting the registration of a trade union.

6. The Committee also noted that—

quite apart from the capacity in which this organ acts when effecting registration, it is clear from the terms of article 153 of the Labour Code that no trade union can legally exist as such if it has not been registered with an organ, the “Central Council of Trade Unions”, on which this power is conferred by a law which also leaves it full freedom to grant or to refuse the registration requested.

7. The Committee was therefore led to the conclusion that—

articles 152 and 153 of the Labour Code, by prescribing a formality of a substantial character, compliance with which is indispensable before trade unions can “claim the rights of trade unions” must therefore be regarded as establishing a “previous authorisation” within the meaning of Article 2 of the Convention.

8. In its report the Government states that—

trade unions may be established freely without previous authorisation by state organs and are not subject to registration in any state agencies. The only organs empowered to register trade unions are the occupational federations.

9. As regards the Central Council of Trade Unions, the Government states that it is only an organ of the Soviet trade unions and has no dual character, and that there are no grounds for affirming that it is both judge and party. It adds that articles 152 and 153 of the Labour Code do not provide for any refusal of registration or for the cancellation of such registration.

10. The Committee must observe, however, that the registration of a trade union with an inter-union organisation—designated by name in the legislation, “the Central Council of Trade Unions”—which is free to refuse registration and which imposes upon all new organisations registered with it the condition of having rules in conformity with its own rules (article 56 of the Trade Union Rules), constitutes an *indispensable formality* which must be fulfilled in order that a trade union can *legally* exist as such. In fact, article 153 of the Labour Code specifically provides that “no trade union which has not been registered with an inter-union organ . . . can style itself a trade union or claim the rights of a trade union”.

11. It would also appear from the information before the Committee that, in fact as well as in law, the Central Council of Trade Unions has not merely the character of the supreme executive trade union organ; it is also an organ endowed with a portion of the state power, in view of the fact that it can, among other things, by virtue of the Decrees of 23 June 1933 and 21 August 1934, issue regulations governing the application of labour legislation. Moreover, in view of the fact that, in accordance with the legislation, registration must be effected with “the Central Council of Trade Unions” and that the latter is responsible for the application of labour legislation—including provisions relating to the establishment of trade unions—it would appear, as the Committee observed in 1960, that even if this organ acts in its capacity as the supreme organ of the existing trade unions, it is thus placed in a position in which it is both judge and interested party.

12. It would therefore seem, as the Committee already pointed out in 1959 and in 1960, that articles 152 and 153 of the Labour Code result in a requirement of “previous authorisation” within the meaning of Article 2 of the Convention.

13. With regard to the establishment of organisations of the workers’ “own choosing”, the Committee noted in 1960 that—

the Government has stated that “the requirement of registration does not limit the right of association, but expresses a fact—the unity of the trade union movement”. The Committee observes, however, that this obligation to register with a central organisation designated by name precludes any “free choice” by the founders in respect of the organisation they might wish to establish, which is incompatible with the Convention. Under the terms of Article 2 of the Convention, workers shall have the right to establish organisations “of their own choosing”, including, if they so wish, new organisations independent of all other existing organisations. They are prohibited from doing so by articles 152 and 153 of the Labour Code which, in this respect also, are not compatible with the Convention and should, therefore, be repealed or amended.

14. The Committee observes that the Government has not made any comment on this matter. It also observes that, when a unified trade union movement in a country results solely from the will of the workers, this situation does not require to be sanctioned by legal texts, the existence of which

might give the impression that the unified trade union movement is merely the result of existing legislation or is kept in force only through such legislation.

15. In 1960 the Committee observed that articles 152 and 153 of the Labour Code might—

also be regarded as constituting an “interference” by the State which is incompatible with Article 3 of the Convention, because they result in prohibiting a trade union organisation from drawing up its constitution and rules, organising its administration and activities and formulating its programme “in full freedom”, because every organisation is placed compulsorily under the control of an inter-union organisation.

16. In its report the Government declares that articles 152 and 153 of the Labour Code do not provide for any supervision of trade unions by the inter-union organisations.

17. The Committee notes, however, that according to the available information (see paragraph 10 above) the Central Council of Trade Unions may refuse to register the rules of a trade union if they are not in accordance with the Rules of the Soviet Trade Unions. In view of the fact that such refusal of registration may result, by virtue of article 153 of the Labour Code, in a trade union being prohibited from existing as such (see also paragraph 10 above), it would appear that articles 152 and 153 place restrictions on the right of organisations to draw up their constitutions and rules in freedom, to organise their administration and activities and to formulate their programmes. From this point of view, therefore, articles 152 and 153 of the Labour Code constitute an “interference” on the part of the public authorities, through the medium of legislation, which is incompatible with Articles 3 and 8 of the Convention.

18. With respect to the establishment by primary organisations of federations and confederations, the Committee pointed out in 1959 and 1960 that, even in the absence of any specific provisions to that effect, articles 152 and 153 of the Labour Code have the effect of prohibiting the establishment of federations or confederations outside the existing trade union movement. It pointed out that the fact that this situation was created by legislation was incompatible with Articles 5 and 6 of the Convention, under which trade unions should have the right to establish the federations and confederations “of their own choosing”.

19. In its report the Government merely states that nothing in articles 152 and 153 of the Labour Code prohibits the establishment of new trade union federations or confederations.

20. The Committee, however, observes that, by virtue of the legislation, it would clearly be impossible for primary organisations to establish a new federation or confederation “of their own choosing” without the prior consent of the “Central Council of Trade Unions”, which would be entitled to refuse. The establishment of such a new federation or confederation could in effect be decided only by two or more existing trade unions which, in order to be entitled “to claim the rights of such unions”—including the right to create “inter-union organisations”—would first have to be registered with the “Central Council of Trade Unions” and thus place themselves under the control of this body designated by name in the legislation (see above, paragraphs 10, 11 and 17).

21. The Committee had also referred to articles 156, 157 and 158 of the Labour Code. The Government indicates in its report that these articles merely state that the workers employed in any given undertaking and belonging to the same trade union shall be represented by a committee from that trade union, but do not exclude the possibility of there being more than one committee as organs of different trade unions in one and the same undertaking.

22. The Committee observes, however, that the manner in which articles 156, 157 and 158 of the Labour Code are drafted would seem, on the contrary, to preclude the possibility of a second organisation representing the same categories of workers being set up. As the fact of this being prescribed by legislation would not be compatible with the Convention, the articles in question should be amended so as to preclude any possibility of their being interpreted erroneously.

23. With respect to the managers of undertakings, the Committee made the following comments in 1960:

The Committee has taken note with interest of the statement contained in the Government's report that the managers of undertakings have the same rights as other citizens with respect to the formation of organisations. The Committee takes this to mean that the directors of socialist undertakings can, and, in fact, do adhere to the same trade unions as do the workers employed in the undertakings which they direct. The Committee would be glad if the Government would indicate in its next report the provisions according to which these directors can form their own organisations.

24. In its report the Government declares that no provisions in the legislation restrict the freedom of association of managers of undertakings. As the Committee understands the position it would seem that, under the legislation in force, if managers of undertakings wished as wage earners to set up their own occupational organisations, they would have to register their organisations with the “Central Council of Trade Unions”. With respect to the associations or “unions” which managers of undertakings might set up outside the trade union movement of salaried workers, they would have

Soviet legal textbooks, "unions" are distinguishable from ordinary "voluntary associations" precisely because they have the object to protecting and representing the economic and legal interests of their members.¹ The Committee must accordingly once more urge that copies of the legislation in question be provided.

30. It also appears that, in order to ensure the application of Article 8 of the Convention, it would be necessary to undertake the revision of various legislative provisions of more general application. For example, the Order of 15 May 1935, making it necessary to obtain the authorisation of the competent authorities for any meeting, conference, etc., should be amended. In this connection the Committee has noted that, under section 7 of the regulations regarding the rights of factory and local trade union committees, such committees may hold meetings without the prior authorisation of the public authorities. It would appear, however, that the Order of 15 May 1935 and the other relevant provisions concerning meetings would give the public authorities the right, if they chose to exercise it, to oppose the establishment of any new organisation or of any new federation or confederation by refusing, for example, to authorise the meeting of the constituent assembly. The Committee therefore expresses the hope that the Government will take all necessary measures to give full effect to Article 8, paragraph 2, of the Convention, according to which "the law of the land shall not be such as to impair nor shall it be so applied as to impair" the various rights provided for in the Convention.

31. As regards the right to organise of foreigners, the Committee made the following comments in 1960:

As the Committee understands the position, the fact that article 101 of the Constitution refers only to citizens does not mean that aliens are prohibited from establishing and joining trade unions. The Committee nevertheless feels obliged to point out to the Government that, when the different provisions of the Labour Code referred to above are amended, it would be desirable to amend article 151 of the Code, which refers specifically only to citizens. As regards the trade union constitution, the Committee observes that article 1 thereof also refers only to citizens.

32. In its report the Government states—

Article 151 of the Labour Code and the Rules of the Soviet Trade Unions contain no provisions stating that members of trade unions must be Soviet citizens. Foreigners are also entitled to join trade unions.

33. The Committee notes with interest that the Rules of the Trade Unions have been amended on this point. It observes, however, that article 151 of the Labour Code still refers only to citizens. It therefore hopes that when the Labour Code is revised, as will be necessary in order to ensure the application of the Convention, article 151 of the Code will be amended accordingly.

34. In 1960 the Committee noted with interest the statement by the Government that article 18 of the Civil Code of the Byelorussian S.S.R. "is not applied to trade union organisations". The terminology of this article, which provides that "the existence of a legal entity may be terminated by the proper organ of government authority . . .", like that of articles 13 and 14, appears to be very broad and to apply equally to all legal entities. The Committee expressed the hope that a specific provision might be inserted in the Civil Code of the Byelorussian S.S.R. in order to give sanction to this practice. As the Government's report gives no information on this point, the Committee hopes that measures may be taken without delay to exclude specifically not only the "trade union organisations" of wage-earning and salaried workers covered by the Labour Code but also all other organisations set up by salaried workers and non-salaried workers for the purpose of "furthering and defending the interests" of their members.

35. Article 101 of the Constitution of the Byelorussian S.S.R., which relates to the various forms of association, provides that the right of citizens to unite in the different "public organisations" is guaranteed "in conformity with the interests of the working people, and in order to develop the organisational initiative and political activity of the masses of the people". The Committee would be glad if the Government would indicate—(a) which authorities would be competent to decide whether in any given case the right of association has been exercised "in conformity with the interests of the working people"; (b) what legal provisions, whether of general application or not, would be applicable in such a case and what kind of sanction could be applied in the event of the competent authorities being of the opinion that certain individuals or organisations did not act in conformity with the interests of the working people; (c) whether there exist any legal decisions relating to these matters.

36. In 1959 and 1960 the Committee made the following direct request to the Government:

The Committee noted that under article 101 of the Constitution "the Communist Party . . . is the leading core of all organisations of the working people, both public and State. The effect of this provision appears to prohibit members of trade unions and their leaders from belonging to any other political party and also to place all organisations of workers under the direction of

¹ D. M. GENKIN, S. N. BRATUS, L. A. LUNTS and N. B. NOVITSKI: *Sovietskoe Grajdanskoe Pravo* (State Law Publishing House, Moscow, 1950), Vol. 1, pp. 189 ff.

to be established in accordance with the procedures laid down in the federal Decree of 6 January 1930 (see below).

25. The Committee has also examined the question of non-salaried workers, as the Convention covers workers "without distinction whatsoever". The number of such workers (including members of producers' co-operatives) is considerable.

26. In 1960 the Committee made the following comments with regard to the various categories of non-salaried workers:

It appears to the Committee that non-salaried workers . . . may not set up "trade union organisations" within the meaning of the Labour Code, which does not apply to them. On the other hand, according to the legislation in force, these workers may, subject to certain conditions, set up "unions", such as, according to the Government's report, the Artists' Union, the Writers' Union, etc., and, under certain conditions, these unions may defend the legal and economic interests of their members. According to the Decree of 6 January 1930 of the Central Executive Committee and the Council of People's Commissars, the procedure for establishing and dissolving unions shall be prescribed by the legislation of each of the Republics of the U.S.S.R.

The Government declares that the above-mentioned decree does not apply to "trade union organisations". The Committee has taken note of this information, but, as it understands the position, according to the legislation and the terminology used in Byelorussia, the term "trade union organisation" means exclusively the organisations of wage-earning and salaried workers and does not therefore apply to the organisations of non-salaried workers. It can therefore only insist that the legislative texts in force in Byelorussia with respect to the establishment and dissolution of unions be appended to the Government's next report.

The Committee has also examined again the situation, as regards the application of the Convention, of the non-salaried workers who are excluded from the application of the Labour Code, by reason of their membership of kolkhozes and producers' co-operatives. It has observed that the kolkhozes and producers' co-operatives cannot be regarded, either in fact or in law, as "organisations" of workers within the meaning of Article 10 of the Convention. It has also noted that the Government refers, in respect of the right of association of these workers, to the provisions of article 101 of the Constitution of Byelorussia. This reference to article 101 still leaves some doubt subsisting: if this article in fact applies to all "social organisations", the legislation in force (Labour Code) with regard to "trade union organisations" is not applicable to members of kolkhozes and producers' co-operatives; the latter nevertheless appear to be able to combine in "voluntary associations" and "unions" pursuant to other provisions, and in particular, those of the decree of 1930 and of the legislation referred to earlier. In this connection the Government states in its report that "this decree is not applicable to co-operative organisations and collective farms (kolkhozes)" because their establishment and administration are governed by special legislation. The Committee observed however that, although the legislative texts in question in fact do not apply to kolkhozes and producers' co-operatives as such, they might be applicable to individuals who are members of kolkhozes and producers' co-operatives if these workers should choose to combine in a "voluntary association". If that should be the case, the establishment by such workers of "unions", that is to say, organisations which might defend the legal and economic interests of their members, would have to be effected pursuant to the decree of 1930 and of the legislation in application of that decree. In this connection, therefore, the Committee can only repeat the request made earlier with respect to non-salaried workers generally.

27. In its report the Government states that—

members of voluntary associations and unions for the furtherance of members' economic and legal interests may and do join the appropriate trade unions. It points out again that the Decree of 6 January 1930 of the U.S.S.R. does not relate to trade unions, or to co-operative organisations such as collective farms (kolkhozes) and adds that "members of collective farms wanting to set up some special organisation for the furtherance of their economic and legal interests would be limited in their activities by this decree.

28. The Committee regrets to note that, notwithstanding its repeated requests, the Government has not supplied copies of the legislation adopted in Byelorussia pursuant to the federal Decree of 6 January 1930 to regulate the establishment and functioning of voluntary associations and "unions". It trusts that the Government will not fail to transmit these texts at the 1961 Conference.

29. It would appear that, even if these provisions did not apply to "trade union organisations" as this expression is used in Byelorussia—that is, according to the report, organisations "grouping wage earners and salaried employees"—and having regard moreover to the fact that the existing legislation does not provide specifically for the creation of such organisations by non-salaried workers, the fact that under the general provisions governing associations the public authorities had the right to control ordinary associations would necessarily enable them to control the establishment of any new organisation "for furthering and defending the interests" of non-salaried workers (Article 10 of the Convention). The Committee notes, moreover, that according to certain official

this Party. The Committee would be glad to know whether the effects of this provision would therefore make it legally impossible for any group of workers, should they so desire, to establish a trade union independent of the Party.

37. In its report the Government states that—

the Soviet trade unions are a mass social non-party organisation grouping on voluntary principles wage earners and salaried employees of all occupations without any distinction. It adds that, following the change of régime, “there is no basis for the existence of any other party than the Communist Party, which has no other interests than those of the workers,” and that “the policy of the Communist Party is approved and supported by all the workers”. It also states that “it is the trade unions themselves which directly and voluntarily recognise and approve the dominant position of the Communist Party” and refers in this connection to the Rules of the Soviet Trade Unions.

38. The Committee notes that, as it had already observed, all possibility for workers to belong to, or for their organisations to be associated with, any party other than the party in power is necessarily excluded. However, having regard to the fact that the Convention provides for the right of workers to establish “organisations of their own choosing”, the Committee would be glad if the Government would indicate whether it would *in law* be possible for any group of workers, if they so desired, to establish a trade union independent of the Party.¹

Central African Republic (ratification: 1961). In 1961 the Committee asked the Government to supply in a report for the 1960-61 period information concerning certain new legislative provisions. It notes that the Government has failed to submit this report and regrets this, all the more so since some of the points raised dealt with a discrepancy between the new legislation and the Convention. In these circumstances the Committee trusts that the Government will be good enough to reply in detail, in a report for the 1960-62 period, to the request which it is forwarding directly to the Government.

Cuba (ratification: 1952). The Committee observes with regret that the Government has not furnished the report requested. It has, however, taken note of the information furnished by the Government representative before the Conference Committee in 1961. The Committee has taken note of the repeal of Act No. 696 of 22 January 1960 by Act No. 907 of 31 December 1960. However, section 5 (*h*) of the new Act contains a provision which is comparable to (although of more limited scope than) that contained in section 7 (*j*) of Act No. 696, which was the subject of an observation by the Committee (see paragraph 6 below).

The Committee has also been made aware of the adoption of new legislation relating to the right to organise: Act No. 962 of 1 August, 1961 (*Gaceta Oficial*, 3 August 1961).

It has noted with satisfaction that section 4 of this Act provides that “organised workers have the right to elect and to be elected to all posts of management in their trade union organisations . . .”.

It has also noted with interest that the new Act has repealed Decree No. 2605 of 1933, section XV of which empowered the Minister of Labour to send a delegate to attend trade union meetings. It expresses the hope that the Government will not fail to repeal specifically the similar provision contained in Decree No. 1683 of 1958 which applied the provisions of Decree No. 2605.

The Committee has to observe, however, that the new legislation contains the following discrepancies in relation to the Convention:

1. Section 17 of Act No. 962 of 1 August 1961 respecting trade union organisations excludes certain workers and employers from the right to establish and join trade unions and is not compatible with Article 2 of the Convention, which accords the right to organise to “workers and employers without distinction whatsoever”. This is the case, in particular, with regard to the following exclusions laid down in

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

section 17 of the Act: (a) as regards the workers: "Manual and intellectual workers who are active members of an agricultural or industrial producers' co-operative" (paragraph (f)); (b) as regards employers: "Directors, managers or administrators of undertakings" (paragraph (a)), "masters of vessels" (paragraph (b)); (c) as regards officials and public employees: "Members of the management organs of independent institutions and benevolent institutions" (paragraph (e)), "officials who occupy posts in or are members of organs invested with judicial powers" (paragraph (g)).

2. Section 1 of the Act provides that workers "have the right to establish trade union organisations without previous authorisation". However, Title 3 of Chapter II of the Act, under the head "legal personality of occupational organisations" (sections 34 to 37) provides that trade unions must be registered with the Directorate of Industrial Associations, Collective Agreements and Labour Disputes. Section 36 empowers this body to refuse registration. In the event of refusal, a request for revision by the Minister is the only appeal provided. In view of the fact that, according to section 34, the legal personality without which organisations may not function ensues upon registration, this procedure would appear to result in a requirement of "previous authorisation" for the creation of organisations which is not compatible with Article 2 of the Convention. These provisions are also incompatible with Article 7 of the Convention, according to which the acquisition of legal personality shall not be made subject to conditions of such a character as to restrict the application of the guarantees provided for in the Convention.

3. Section 11 of the Act, which provides that "only one union branch may lawfully be established in each basic labour union", and section 18, according to which "the trade union branch comprises all the workers, whether manual or intellectual, and whatever their occupation, trade or speciality" in the same basic work unit, do not appear to be compatible with Article 2 of the Convention, which provides that workers shall have the right "to establish . . . organisations of their own choosing without previous authorisation".

4. The freedom of choice of the founders and members of occupational organisations is also restricted by the first of the final provisions of the Act, which provides that "all trade union organisations existing at the date of promulgation of this Act shall comply with its provisions". Further, this provision constitutes an intervention "such as to impair . . . the guarantees" provided by the Convention, contrary to Article 8 of the Convention.

5. Section 40 (e) of the Act provides that trade union leaders must "belong to the occupation or branch to which the trade union organisation corresponds". This provision is not fully in harmony with Article 3 of the Convention, according to which trade unions have the right "to elect their representatives in full freedom".

6. Section 5 (h) of Act No. 907 of 31 December 1960 empowers the Minister of Labour to "control the activities of undertakings, employers' associations or occupational associations, appointing Controller-Delegates for this purpose in accordance with the Act, in cases in which valid reasons exist for such measures, in order to maintain production or to ensure to the workers the exercise of their rights". This provision appears difficult to reconcile with Article 3 of the Convention, according to which "workers' and employers' organisations shall have the right . . . to organise their administration and activities", the public authorities being required to "refrain from any interference which would restrict this right or impede the lawful exercise thereof". The Committee would be glad if the Government would define the scope of these powers and state whether the Minister of Labour has made use,

with respect to any employers' or occupational organisations, of the powers conferred upon him by this provision, and in which cases.

7. Section 26 of the Act respecting trade union organisations, which provides that "national trade unions shall be established to correspond to those activities which are approved by the Ministry of Labour in agreement with the Confederation of Cuban Workers", is not compatible with Articles 5 and 6 of the Convention, which provide that "workers' and employers' organisations shall have the right to establish and join federations and confederations", and that the latter shall enjoy the guarantees prescribed in the case of workers' and employers' organisations by Article 2 of the Convention.

8. Section 11 of the same Act respecting trade union organisations authorises the establishment of only one national trade union in each branch of administration or labour, and a single central trade union organisation in the country. This provision is not compatible with Article 6 of the Convention, which refers to Article 2 of the Convention with respect to the establishment of federations and confederations and to affiliation therewith. According to these provisions of the Convention, trade union organisations must be able to establish and join federations or confederations "of their own choosing without previous authorisation".

The Committee expresses the hope that the Government will be able to take appropriate measures to repeal or amend the provisions in question in order to bring its legislation into harmony with the Convention.

Guatemala (ratification: 1952). The Committee has noted with satisfaction that Decree No. 1441 of 1961 amending the Labour Code has, firstly, repealed sections 235 to 238 of the Labour Code, which restricted the right to organise of agricultural workers and, secondly, has obviated the possibility of administrative dissolution of trade unions which was prescribed by section 227 of the Code.

The Committee has also noted that new regulations concerning officials and employees in the service of the State or public organisations which recognise the right of organisation of such workers are at present before the Congress. The Committee trusts that this text will enter into force at an early date and that it will be possible for the Government to indicate in its next report that, in accordance with Article 2 of the Convention, these workers enjoy the rights and guarantees prescribed by this text.

The Committee regrets, however, to note that, while the decrees in question have introduced certain exemptions from the principle of prohibition of re-election of trade union leaders, the general rule as to prohibition of re-election laid down in section 222 (a) nevertheless still subsists, although, as the Committee has pointed out for several years, it is not compatible with Article 3, paragraph 1, of the Convention, according to which organisations have the right "to elect their representatives in full freedom".

The Committee has also noted that, according to the report, the supervision which the Government exercises over trade unions pursuant to section 211 (a) and (b) of the Code relates solely to the economic administration of trade unions and takes the form of assistance which they are free to refuse. It would appear that, in these circumstances, the Government would not encounter any difficulty in repealing or amending section 211 (a) and (b), in which the broad terms of the phrases "exercise the strictest possible supervision over industrial associations" and "collaborate with industrial associations with a view to ensuring the best orientation of their activities" appear to be of a nature to permit of interference by the public authority in the administration and functioning of trade unions, contrary to Article 3 of the Convention.

The Committee hopes, therefore, that the Government will indicate in its next report the measures which it intends to take to bring its legislation into harmony with the Convention in these respects.

Hungary (ratification: 1957). The Committee has taken note of the information furnished by the Government in its reports and, in particular, of the information given in reply to the requests previously addressed to it directly.

1. The Committee has noted that the legislation in force includes various provisions which are incompatible with the rights and guarantees laid down in the Convention. This is the case, especially, with regard to Legislative Decree No. 18 of 1955, various provisions in the Labour Code and Decree No. 53 of 28 November 1953. It expresses the hope that, having regard to the points set forth below, the Government will be able to indicate the measures which it intends to take to repeal, amend or supplement its national legislation in order to bring it into harmony with the Convention.

2. Legislative Decree No. 18 of 1955 places associations under the tutelage of the administrative authorities. The latter may refuse registration of an association and therefore, prohibit its existence as such on pain of penal sanctions applicable to its members (section 160 (*f*) of the Penal Code), in particular if they consider that the association "does not possess the qualities required" (section 6); the administrative authorities exercise strict control over the activities of associations (section 13 (1)) any of whose decisions they may cancel if they consider them contrary to the interests of the workers (section 13 (2)); finally, they may order the suspension or dissolution of associations (section 13 (2)). All these decisions may be taken by virtue of provisions which leave to the administrative authorities a very extensive discretion in exercising their judgment and subject only to appeals of an administrative nature.

3. It is clear that if the provisions referred to can be applied to organisations of workers or employers as defined in the Convention, that is to say, "any organisation of workers or of employers for furthering and defending the interests of workers or of employers" (Article 10 of the Convention), they are not compatible with the rights and guarantees laid down in the Convention: prohibition of any "previous authorisation" (Article 2); the possibility for workers and employers to set up organisations "of their own choosing" (Article 2); freedom of activity of organisations (Article 3 (1)); non-interference by the administrative authorities (Article 3 (2)); prohibition of dissolution or suspension by the administrative authorities (Article 4), etc.

4. In order to clarify the situation, various requests have been addressed directly to the Government concerning the juridical situation of organisations of workers which might not be affiliated to the Congress of Trade Unions or set up by that central body (the legislation relating to the Congress of Trade Unions is analysed below). It ensues from the replies furnished by the Government (in particular, in its report for the period 1959-60) that, while Legislative Decree No. 18 of 1955 does not apply in principle to "occupational organisations", it is the administrative authorities who legally have the power (even if the question has never in fact arisen) to decide in all sovereignty whether a newly created organisation is or is not a "trade union". In other words, the administrative authorities have, according to law, the right to decide whether an organisation of workers within the meaning of the Convention will be placed under the system of tutelage prescribed by Legislative Decree No. 18 of 1955 and thus to subject this organisation to the administrative procedures and strict supervision provided for in that legislative decree. Such a result is manifestly contrary to the Convention, which prohibits any intervention by the public authorities

in the establishment and functioning of workers' organisations (see paragraph 3 above).

5. The analysis of various other legislative provisions confirms also that the national legislation does not permit of any possibility of workers' organisations within the meaning of the Convention being set up, unless such organisations are created within the "Congress of Trade Unions" or by organs of that central organisation. The result is that, contrary to the Convention, workers do not have the right to set up "organisations of their own choosing" and, in particular, if they so desire, an organisation which is independent of the other organisations.

6. Thus, the only definition of the term "trade union" which exists in the national legislation indicates that this term means the "central directing body of the trade unions" which is elected by the "Congress of Trade Unions" (Labour Code, section 150).

7. It is also necessary to point out that, by entrusting to an organisation specifically named in the law or to its organs (Central Council of Trade Unions) various administrative functions, the Labour Code and Decree No. 53 of 28 November 1953 do not leave any room for the existence of any other organisation which the workers might wish to set up. Thus, the Central Council of Trade Unions is called upon "in co-operation with the ministers" to "give directives concerning the conclusion of collective agreements" and to "approve" collective agreements (Decree No. 53 of 1953, section 2, paragraphs 1 (a) and (b)); to "direct and supervise" the social security of the workers (*ibid.*, section 6 (a) and Legislative Decree No. 36 of 1950). In this connection, the Government indicates that above-mentioned Decree No. 53 "merely reflects" the fact that the trade unions exercise very extensive powers. Nevertheless, as it has already emphasised on many occasions, the Committee must draw attention to the fact that the national legislation of countries in which the Convention is in force must not contain provisions which result in instituting or maintaining by legislative means a trade union monopoly in favour of an organisation designated by name in the law.

8. Finally, the Government declares that according to practice established by long tradition, organisations of non-wage-earning workers are not considered to be "trade unions". The result is that, contrary to the Convention, which applies to all workers "without distinction whatsoever", non-wage-earning workers may not set up organisations on their own account unless they are set up within the terms of Legislative Decree No. 18 of 1955, the provisions of which are incompatible with the Convention, or unless they await the promulgation of legislation to establish an organisation for them, which also is manifestly incompatible with the Convention.

The Committee expresses the hope that the Government will be good enough to indicate at the Conference the measures which it intends to take to ensure the application of the Convention and that it will communicate in its next report the further information which is requested of it in a direct request.

Mexico (ratification: 1950). The Committee regrets to observe that, contrary to the assurances which it gave in an earlier report, the Government contests the validity of the observations which the Committee has made for several years. It is obliged, therefore, to emphasise again the discrepancies existing between the legislation relating to officials of the service of the federal authorities and the Convention.

1. The Committee observed that, according to the provisions of sections 49 and 50 of the Statute for Workers in the Service of the Authorities of the Union, no organisation of public officials may be set up and registered when another organisation already exists in the service, and only the registered organisation enjoys legal

personality. The Government declares that these sections prohibit not the creation but the registration of several organisations in the same service. The Committee observes that non-registered organisations, to which section 46 of the Statute would appear to deny even the name of trade unions, are not able "to further and defend the interests" of their members, the registered organisation alone having the right of audience with "the superior authorities and the arbitration tribunal" (section 55, IV). The result is that, contrary to Article 2 of the Convention, workers in the service of the State are deprived by legislation of the right to "establish . . . organisations of their own choosing without previous authorisation".

2. The Committee observed that, under section 48 of the Statute, workers "in positions of confidence" and those who "perform similar duties" are deprived of all right to organise, and that this regulation does not appear to be compatible with Article 2 of the Convention, which provides that workers "without distinction whatsoever, shall have the right to establish and . . . join organisations". Noting that the report seeks to justify the provisions of section 48 by the fact that the interests of the workers therein referred to are the same as those in the service of the State, the Committee draws the attention of the Government to the conclusions which it adopted in 1959 (Part Three of its report) when it pointed out that "nothing authorises the State to decide for itself whether the individuals covered by these Conventions [relating to freedom of association] have or do not have any interest in establishing trade union organisations".

3. According to section 53 of the Statute, re-election of members of the management committee of a trade union is prohibited. As the Committee has already pointed out on several occasions, provisions of this kind are not compatible with Article 3 of the Convention, which provides that "organisations shall have the right . . . to elect their representatives in full freedom".

4. Section 56 of the same Statute prohibits organisations of public officials from adhering to federations or confederations of industrial or agricultural workers. It seems difficult to reconcile this provision with Article 5 of the Convention, which provides that "workers' and employers' organisations shall have the right to establish and join federations and confederations". In this connection, the Committee has taken note of the statement in the report that the right to federate is accorded to organisations of public officials by section 55, IV. This section provides that organisations of public officials may federate among themselves and that only the federation constituted in this way "will be recognised by the State". This last provision, as well as the provision contained in section 56, does not appear to be compatible with Article 6 of the Convention, which refers to Article 2 of the Convention with respect to the establishment of federations and confederations and adherence to these higher organisations. According to these provisions of the Convention, trade union organisations should have the right to establish and join federations or confederations "of their own choosing without previous authorisation".

5. Likewise, by virtue of section 60 of the Statute, the provisions applicable to trade unions of public officials and, in particular, sections 46, 49, 50 and 53, are also applicable to any federation of such trade unions; they are not, however, compatible with Article 6 of the Convention, which provides that Articles 2, 3 and 4 of the Convention "apply to federations and confederations of workers' and employers' organisations".

6. Bearing in mind that legal personality appears to be indispensable for trade unions in Mexico, the fact that the acquisition of legal personality by a trade union organisation of public officials is subject to the rules laid down in the sections of the Statute of the Union, according to which no new organisation can be recognised when

an organisation already exists in the service concerned, does not appear to be compatible with Article 7 of the Convention, which provides that "the acquisition of legal personality by . . . organisations . . . shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4" of the Convention.

7. Finally, the provisions of section 47 of the Statute, which provide that a public official who has joined a trade union must compulsorily remain a member of that trade union (unless he is expelled by the union), taken together with sections 46, 49, 50, 55, IV *in fine* and 60 of the same Statute, according to which only a single trade union organisation can exist in one service and only one federation for the whole of the workers concerned, result in the establishment of a trade union monopoly by legislation. According to the Government, these different provisions correspond to the desire to strengthen the trade union movement by avoiding splits within the movement. As the Committee has already emphasised on several occasions, while the workers may generally find it in their interests to avoid a multiplicity of the number of trade union organisations, the unity of the trade union movement must not be imposed by state intervention through legislative means, such intervention running counter to the rule laid down in the Convention that workers and employers have the right to establish and join organisations "of their own choosing" (Article 2) and must be able to "exercise freely the right to organise" (Article 11).

In these circumstances, the Committee must again urge the Government to take the necessary measures to bring the legislation into harmony with the Convention.

The Committee notes that the observations which it made in 1961 and in which it pointed out in detail that the discrepancies mentioned above were to be found also in the legislation of certain of the constituent states of Mexico have been transmitted to the federated states concerned. It hopes, therefore, that the Government will indicate in its next report the measures which the federated states concerned intend to take in order to bring their legislation relating to the civil service into conformity with the Convention.

Netherlands (ratification: 1950). The Committee has taken note of the statement made by the Government representative before the Conference Committee in 1961—to which the report refers—to the effect that the Council of Ministers has decided to recommend amendment of the Act of 22 April 1855. The Committee notes with satisfaction that, by amending the provisions of this Act which allow the Government to refuse to grant legal personality to a trade association for reasons of public interest, the Government will be bringing its legislation into conformity with the Convention. The Committee therefore expresses the hope that the Government will not fail to indicate any progress made towards amending the above-mentioned provisions.

Niger (ratification: 1961). The Committee notes that section 1 of Ordinance No. 59-101 of 4 July 1959 empowers the President of the Republic to dissolve by decree any trade union "whose activities seriously disturb the public order and impair the principles of democracy, of the Community and of the Republic". This provision is incompatible with the requirements of Article 4 of the Convention, according to which "workers' and employers' organisations shall not be liable to be dissolved by administrative authority". The Committee would therefore be grateful if the Government would indicate what measures it intends to take to repeal or amend the above-mentioned provision.

Pakistan (ratification: 1951). The Committee regrets to note that the draft amendment to the legislation, which has been mentioned since 1958, is still being examined by the Government. The Committee must therefore point out once more

that the existing provisions under which separate associations must be established for each category of officials are not in conformity with Article 2 of the Convention, which states that workers "without distinction whatsoever" must be able "to establish and . . . join organisations of their own choosing" freely. The Committee trusts that the Government will spare no effort so as to be able to indicate at the 46th Session of the Conference that the necessary amendments have been made to the legislation.¹

Philippines (ratification: 1953). The Committee notes with regret that, despite the assurances given by the Government, at the Conference Committee in 1961, the Bill which is to bring national legislation into conformity with the Convention could not be given a second reading by Congress; as a result, the procedure of adoption will have to be taken up again at the next legislative session.

The Committee has carefully studied the evidence supplied by the Government in support of the opinion, expressed in the report, that there exists no discrepancy between the legislation in force and the Convention. The Committee can, however, only maintain the view it has expressed in the course of the preceding years, according to which the legislation is not in conformity with Article 3 (1) of the Convention, which provides that "workers' and employers' organisations shall have the right to elect their representatives in full freedom", or with Article 4 thereof, which states that "workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority".

The Committee therefore notes with satisfaction that the Government states that it is prepared to amend the legislation and expresses the hope that the amendments suggested by the Committee in 1958, 1959 and 1961 can be introduced shortly.¹

Poland (ratification: 1957). The Committee has taken note of the information furnished by the Government before the Conference Committee and in its report.

1. It observes that this information contains no new elements to cause it to amend the observations which it made in preceding years and from which it appeared that the national legislation (sections 5, 6 and 9 of the Trade Unions Act of 1 July 1949) restricts the right accorded to workers by Article 2 of the Convention to establish "organisations of their own choosing without previous authorisation". The Committee, therefore, can only repeat in substance the observations which it made in 1959, 1960 and 1961 with regard to the Act of 1 July 1949.

The Committee notes that, before the Committee of the Conference, the Government stated, as it had already done in 1959, that section 9 of the Act of 1 July 1949 "merely defines the procedure to be followed for the registration of trade unions". In these circumstances, the Committee must once again make the following remarks. Firstly, section 9 of the Act of 1 July 1949 empowers the Central Council of Trade Unions to grant legal personality to trade unions, which must of necessity be registered with it. Secondly, as the Committee has already noted, "the rules followed by the Central Council of Trade Unions with respect to the registration of trade unions have, both in fact and in law, the force of regulations governing the application of the Act of 1 July 1949". These rules are determined by the rules of the "Federation of Trade Unions", which provide, among other things, that ". . . the trade unions shall be united in the Federation of Polish Trade Unions" (rule 18) and that "membership of the Federation shall be open to trade unions organised in accordance with the principles prescribed in the rules of the Federation. A trade union shall become a member of the Federation on registering its rules, as approved by the National Congress of

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Delegates, with the Central Council of Trade Unions" (rule 53). The result is that any new trade union which did not wish to adhere to the Federation of Trade Unions would be refused registration and, therefore, legal existence as a trade union. Even if it be admitted that, when registering the trade union, the Central Council of Trade Unions is acting only in its capacity as the supreme executive organ of the Federation of Trade Unions (which, according to section 5, paragraph 1, of the Act, is the sole representative of the trade union movement), it is thus statutorily entitled to act both as a judge and as a party and, therefore, to impose certain rules of substance on the trade union as a *condition precedent* to registration.

The Committee must therefore repeat that the Act of 1 July 1949, by prescribing a formality of a substantial nature which is indispensable to trade unions to enable them to exist as such and "to further and defend the interests" of their members, must be considered to constitute "previous authorisation" within the meaning of Article 2 of the Convention.

As it did in 1959, the Government stated before the Committee of the Conference that "the fact that this authorisation is granted not by the Government but by another body under a delegation of powers protects trade unions against interference by the Government or by employers in trade union affairs".

The Committee observes, however, that the Act of 1 July 1949, by providing in section 5 that "the body centrally representing the trade union movement in Poland shall be the Federation of Trade Unions" and by delegating (section 9) to the Central Council of Trade Unions, which is designated by name as one of the supreme authorities of the Federation (section 6) the power to register every new trade union or to refuse registration, infringes the guarantees prescribed by the Convention, according to which workers shall have the right to establish organisations "of their own choosing" and, especially, if they so desire, a new organisation independent of all other existing organisations (Article 8, paragraph 2, and Article 2).

In this connection, the Committee of the Conference has noted that trade union unity shall not be "imposed or maintained by law, but . . . the result of the freely expressed desire of the workers themselves". In fact, trade union unity, if it results solely from the desire of the workers, has no need to be embodied in legal texts, the existence of which may give the impression that this unity is simply the result of the legislation in force or is maintained only by that legislation.

Moreover, as the Committee has already pointed out, the aforementioned provisions of the Act of 1 July 1949 which place every trade union under the supervision of a trade union federation designated by name and to which it must necessarily adhere may be regarded as constituting an interference by the State which is not compatible with Article 3 of the Convention, because they result in a trade union being prohibited from drawing up its constitution and rules, organising its administration and activities and formulating its programmes "freely".

The above-mentioned provisions are also incompatible with Articles 5 and 6 of the Convention, which provide the same guarantees for federations and confederations as for primary organisations (establishment without prior authorisation, free choice as regards setting up of organisations, freedom to draw up their constitutions and to organise their administration and activities).

2. With regard to the directors of state undertakings, the Committee made the following comments in 1961:

According to the statement made by the Government representative to the Conference, "directors of state undertakings are free to join existing trade unions. They belong to the same union as the workers in their undertakings and they may also form their own trade union sections." In so far

as such persons are regarded as employees the foregoing remarks are also applicable to them, since in particular they may not form organisations "of their own choosing without previous authorisation" (Article 2 of the Convention).

3. Before the Committee of the Conference in 1961, the Government representative declared that directors of state undertakings are "free to establish organisations of their own choosing in specialised fields such as culture and promotion of technical science". The Committee assumes that the associations which the directors of undertakings might set up outside the workers' trade union movement would have to obtain the authorisation of the public authorities in accordance with the Associations Act of 27 October 1932, as amended. (See the analysis of this text below.)

4. In 1961, noting that self-employed workers did not appear to be covered either by the Trade Unions Act of 1949 or by the Rules of the Federation of Trade Unions, the Committee, in a request addressed directly to the Government, asked the Government to furnish the texts of the laws or regulations governing organisations which may be set up by such workers to defend their professional interests. In reply, the Government has annexed to its report the rules of various organisations of self-employed workers, and the Act of 17 February 1961 respecting co-operatives.

5. With regard to intellectual workers, the Committee has noted that the rules communicated do not deal with the procedure for acquiring legal personality which according to article 35 of the Civil Code, must be "accorded" to associations. It has appeared to the Committee that in this case the Associations Act of 27 October 1932, as amended, is applicable; this text, moreover, is specifically referred to in one of the sets of rules furnished.

6. In this connection, section 19 of the Act of 1932 provides that legal personality ensues upon registration with the administrative authority, a registration which, according to section 20, may be refused in the public interest or because the "association is not conducive to public welfare", or, again, may be "conditional" upon an amendment of its rules. The application of these provisions to organisations "for furthering and defending the interests" of their members (Article 10 of the Convention) is not compatible with Articles 2 and 3 of the Convention, according to which it must be possible to establish workers' organisations "without previous authorisation" and to adopt "freely" their constitutions and rules and their programmes without "interference" by the public authorities; it is also not compatible with Article 7 of the Convention, according to which the acquisition of legal personality by occupational organisations "shall not be made subject to conditions of such a character as to restrict the application of Articles 2 and 3" thereof. Likewise, the application to organisations "for furthering and defending the interests" of their members of section 24 of the Act (which refers to section 15) and of section 43 (a), which prescribe or establish close supervision of the activities of the association by the registering authority, is incompatible with Article 3, according to which organisations have the right "to organise their administration and activities and to formulate their programmes" without "interference" on the part of the public authorities. Furthermore, section 24 of the Act, referring to section 16, permits the administrative authority to suspend and dissolve an association. The application of this section to organisations "for furthering and defending the interests" of their members is not compatible with Article 4 of the Convention, which provides that occupational organisations "shall not be liable to be dissolved or suspended by administrative authority". In the same way the provisions of section 42 of the Act providing that the rules governing associations shall apply to federations thereof are not compatible with Articles 5 and 6 of the Convention, which accord to federations and confederations the same guarantees as are accorded to primary organisations.

7. With respect to the members of producers' co-operatives, the Committee has taken note of the Act of 1961 respecting co-operatives and of the rules of co-operatives annexed to the report. It has observed that these co-operatives cannot be regarded, either in fact or in law, as organisations of workers within the meaning of Article 10 of the Convention. It has appeared to the Committee that the creation of such an organisation by these workers should take place within the scope of the Associations Act of 1932 (section 9 (*g*) of this enactment excludes co-operatives from its field of application, but not individual members of such co-operatives). The Committee, therefore, must refer to the comments made above with respect to the Act of 1932.

8. The Committee again expresses the hope that the Government will make every effort to bring its legislation into harmony with the Convention, in order to ensure to all workers and their organisations the rights and guarantees which are accorded to them by this Convention. It trusts, especially, that the Government will take account of the various points raised by the Committee when it is undertaking the amendment of the Associations Act which, according to the report, is to be effected in the near future.¹

Rumania (ratification: 1957). The Committee regrets to note that this year the report once more merely refers to the previous report, and does not reply to the requests for information made by the Committee in 1959 and 1961. The Committee had, however, pointed out in 1961 that, in the absence of the information requested, it was impossible to examine to what extent effect was given to the Convention in Rumania. It must therefore again insist that precise and detailed replies be supplied as regards the application of each of the Articles of the Convention "to workers and employers without distinction whatsoever", and that all relevant legislative texts and regulations (in particular the Act respecting the establishment of trade unions, envisaged in section 96 of the Labour Code) be communicated.¹

Ukraine (ratification: 1956). The Committee regrets that the Government has not supplied the report requested. However, the Committee has considered the statements made by a Government representative before the Conference Committee in 1961.

The Committee has noted the statement made by the Government representative, who considered that the observations made were based on an inaccurate interpretation of his country's legislation. It must be emphasised that whenever a provision seems apt to be interpreted as being incompatible with the Convention, the Committee must urge the abrogation or amendment of that provision in order to eliminate any possibility of infringement of the Convention. The legislation in force in the Ukraine contains many provisions that can or do infringe the rights and safeguards laid down in the Convention concerning freedom of association. This applies in particular to articles 152, 153, 156, 157 and 158 of the Labour Code, the Decrees of 23 June 1933 and 21 August 1934, the Order of 15 May 1935, article 18 of the Civil Code and possibly the legislation issued under the Federal Decree of the U.S.S.R. of 6 January 1930. The Committee has noted, moreover, that the information supplied by the Government representative to the Conference Committee contained no new element that could lead it to modify its conclusions. It has noted, however, that a Labour Bill would abrogate and supersede the above-mentioned articles of the Labour Code. The Committee must therefore once more urge the Government to ensure that when the legislation is amended there will be a review of all the provisions coming within the scope of the Convention, particularly those mentioned above, in the light of the

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

following explanations which relate to the observations previously made by the Committee and to the replies given by the Government to the Conference Committee.

1. The Committee notes that there has been no comment by the Government on the remarks cited below, which it had made in the last two years, particularly in paragraph 1 of the observation of 1961:

In the first place the Committee has observed that the Government refers to the provisions of article 106 of the Constitution of the Ukrainian S.S.R. which, it declares, guarantees to the workers the right to establish trade unions without previous authorisation. It notes, however, that this constitutional provision establishes a right which is exercised according to rules established by law; thus the "social organisations" referred to in the Constitution are set up and function in accordance with certain rules prescribed by law in respect of each of them. It is necessary therefore to consider to what extent the legislation in force guarantees freedom of association as defined by the Convention.

In this connection the Committee observes that the legislation of the Ukrainian S.S.R. draws a distinction between salaried and wage-earning workers, on the one hand, and self-employed (non-salaried) workers, on the other.

2. First, as regards salaried workers, the Committee had pointed out in previous years that the provisions of articles 152 and 153 of the Labour Code, read together, resulted in a requirement of "previous authorisation" which was not compatible with Article 2 of the Convention.

3. As emphasised by the Committee, article 152 of the Code, which provides that a union must be registered with an inter-union organisation, that is to say, as confirmed by the Government in its report for 1961, by the Central Council of Trade Unions, which can refuse registration, constitutes an *indispensable formality* which must be fulfilled in order that a union may *legally* exist as such. In fact article 153 of the Labour Code specifically provides that "no trade union which has not been registered with an inter-union organ, as specified in article 152, can style itself a trade union or claim the rights of a trade union".

4. The Committee had also noted that in fact as well as in law, the Central Council of Trade Unions had not merely the character of the supreme executive trade union organ; it was also an organ endowed with a portion of the state power, in view of the fact that it could, among other things, by virtue of the Decrees of 23 June 1933 and 21 August 1934, issue regulations governing the application of labour legislation.

5. In this connection the Government representative stated before the Conference Committee: "Article 152 of the Labour Code does not provide for prior authorisation; it does not provide for the registration by a state organ but by the inter-trade union organisations. In so acting, the inter-trade union organisations are not acting as a state organ."

6. The Committee notes, however, as it did in previous years, that even if the Central Council of Trade Unions is not a "state organ", certain powers of a public authority have been delegated to it by law; for example, the Decrees of 23 June 1933 and 21 August 1934 empowered it to issue regulations to apply labour legislation.

7. In any case, as already noted by the Committee in previous years, the inter-union organisation is placed in a position in which it is both judge and interested party, since the law delegates to it the power to register trade unions. Thus, even if the government authority does not intervene directly in the grant or refusal to a particular association of the right of legal existence as a trade union, it delegates that power by law to a body which can impose conditions of substance, for example, with regard to the contents of the constitution and rules.

8. Accordingly it does appear that, as already mentioned by the Committee in 1959, 1960 and 1961, articles 152 and 153 of the Labour Code result in a requirement of "previous authorisation" within the meaning of Article 2 of the Convention.

9. As the Committee noted in 1960—

... the fact, put forward by the Government representative at the Conference [in 1959], that the requirement of registration laid down in the Labour Code does not amount to "previous authorisation" because "registration of trade unions followed their establishment", does not materially alter the elements of the problem because, in default of registration, a trade union could not operate as such and also could not have the legal personality which is necessary for its activities, as defined in Article 7 of the Convention.

10. The Committee had also made the following comments in 1960 and 1961. It notes that neither in its report for 1961 nor before the Conference Committee did the Government supply the information requested.

The Committee has noted with interest that, according to the statement of the Government representative at the Conference [in 1959], "there exist organisations which are not registered with an inter-union organisation". It would be grateful if the Government would state whether the "organisations" referred to are really "trade union organisations" within the meaning of this term under the law and practice of the Ukraine, that is to say, organisations of wage-earning or salaried workers, or whether they are other "social organisations" and, in the latter alternative, whether such organisations have the right, in accordance with Article 10 of the Convention, to "further and defend the interests" of their members.

11. With regard to the establishment of organisations of the workers' "own choosing", the Committee had noted in 1960 and 1961 that—

... the Government emphasises that articles 152 and 153 of the Labour Code refer to "inter-union organisations" in the plural and, therefore, "do not limit the number of inter-union organisations which might be set up". The Committee observes, however, that the establishment of a new "inter-union organisation" would, according to the legal provisions, clearly be impossible without the consent of the existing inter-union organisation, which has the full right to withhold it. Such establishment in fact could be achieved only by two trade unions already in existence which, in order "to claim the rights of a trade union" and especially the right to set up an "inter-union organisation" would first have to secure their registration by an existing inter-union organisation.

In any event it would appear also that the "free choice" by the founders in respect of the organisation they might wish to establish is limited by the aforesaid provisions of the Labour Code. Under the terms of Article 2 of the Convention, workers shall have the right to establish organisations "of their own choosing", including, if they so wish, new organisations independent of all other existing organisations. They are prohibited from doing so by articles 152 and 153 of the Labour Code which, in this respect also, are not compatible with the Convention.

12. The Committee notes that neither this year nor in 1961 has the Government commented on these points. It observes once more that when a unified trade union movement in a country results solely from the will of the workers, this situation does not require to be sanctioned by legal texts, the existence of which might give the impression that the unified trade union movement is merely the result of existing legislation or is kept in force only through such legislation.

13. In 1960 the Committee observed that articles 152 and 153 of the Labour Code might "be regarded as constituting an interference" by the State, which is incompatible with Article 3 of the Convention. In 1961 the Committee observed (and it notes that the Government has not commented on this point) that—

... under rule 56 of the Rules of the Trade Unions, to which the Government refers in its report, the Central Council of Trade Unions may refuse to register the rules of a trade union if they are not in accordance with the Rules of the Soviet Trade Unions. In view of the fact that such refusal of registration may result, by virtue of article 153 of the Labour Code, in a trade union being prohibited from existing as such ... it would appear that articles 152 and 153 place restrictions on the right of organisations to draw up their constitutions and rules in freedom, to organise their admin-

istration and activities and to formulate their programmes. From this point of view, therefore, articles 152 and 153 of the Labour Code constitute an "interference" on the part of the public authorities, through the medium of legislation, which is incompatible with Articles 3 and 8 of the Convention.

14. The Government has not commented on the Committee's conclusions with regard to the constitution of federations and confederations. These conclusions were as follows:

With respect to the establishment by primary organisations of federations and confederations, the Committee pointed out in 1959 and 1960 that, even in the absence of any specific provisions to that effect, articles 152 and 153 of the Labour Code have the effect of prohibiting the establishment of federations or confederations outside the existing trade union movement.

15. The Government has adduced no new element to cause the Committee to modify its remarks with reference to articles 156, 157 and 158 of the Labour Code, which were as follows:

... the practice referred to by the Government [existence in an undertaking of several committees as organs of different trade unions] does not mean that when a trade union committee already exists in an undertaking in order to represent certain categories of workers the workers belonging to these categories may if they wish set up another organisation. The manner in which articles 156, 157 and 158 of the Labour Code are drafted would seem, on the contrary, to preclude the possibility of a second organisation representing the same categories of workers being set up. As the fact of this being prescribed by legislation would not be compatible with the Convention, the articles in question should be amended so as to preclude any possibility of their being interpreted erroneously.

16. The Government has adduced no new element to cause the Committee to modify its remarks with reference to the right of managers of undertakings to organise. Those remarks were as follows:

As the Committee understands the position it would seem that, under the legislation in force, if managers of undertakings wished, as wage earners, to set up their own occupational organisations, they would have to register their organisations with the Central Council of Trade Unions. With respect to the associations or "unions" which managers of undertakings might set up outside the trade union movement of salaried workers, they would have to be established in accordance with the procedures laid down in the federal Decree of 6 January 1930 (see below).

17. With regard to the position of non-wage-earning workers (who are numerous, in view of the membership of producers' co-operatives), the Committee regrets to note that despite its repeated requests the Government has not supplied copies of the legislation that applies, namely articles 281 to 309 of the Administrative Code of the Ukrainian S.S.R. and a Decree of the Central Executive Committee and of the Council of People's Commissars of the Ukraine dated 20 February 1933. The Committee once more urges the Government to forward copies of this legislation. In 1960 and 1961 the Committee had noted that—

... non-salaried workers ... may not set up "trade union organisations" within the meaning of the Labour Code, which does not apply to them. On the other hand, according to the legislation in force, these workers may, subject to certain conditions, set up "unions".... According to the Decree of 6 January 1930 of the Central Executive Committee and Council of People's Commissars, the procedure for the setting-up and dissolution of these unions shall be determined by the laws of each of the Republics of the U.S.S.R.

18. Noting in 1961 the statement in the report that "the organisation and registration of voluntary associations and unions are governed by articles 281 to 309 of the Administrative Code of the Ukrainian S.S.R. and a Decree of the All-Union Central Executive Committee and the Council of People's Commissars of the Ukrainian S.S.R. of 20 February 1933", the Committee had stated that—

... even if these provisions did not apply to "trade union organisations" as this expression is used in the Ukraine—that is, organisations of wage-earning and salaried employees—and having regard, moreover, to the fact that the existing legislation does not provide specifically for the creation of such

organisations by non-salaried workers, the fact that under the general provisions governing associations the public authorities had the right to control ordinary associations would necessarily enable them to control the establishment of any new organisation "for furthering and defending the interests" of non-salaried workers (Article 10 of the Convention). The Committee notes, moreover, that according to certain official Soviet legal textbooks, "unions" are distinguishable from ordinary "voluntary associations" precisely because they have the object of protecting and representing the economic and legal interests of their members.¹ The Committee must accordingly once more urge that copies of the legislation in question be provided.

19. The Government has made no comment on the Committee's observations concerning the legislation on the right to hold meetings. These observations were as follows:

It also appears that, in order to ensure the application of Article 8 of the Convention, it would be necessary to undertake the revision of various legislative provisions of more general application. For example, the Order of 15 May 1935 making it necessary to obtain the authorisation of the competent authorities for any meeting, conference, etc., should be amended. In this connection the Committee has taken note of the Government's statement that the provisions of this order "have never applied to trade unions" and are considered obsolete. The Committee has also noted that, according to section 7 of the regulations regarding the rights of factory and local trade union committees, such committees may hold meetings without the prior authorisation of the public authorities. It would appear, however, that the Order of 15 May 1935 and the other relevant provisions concerning meetings would give the public authorities the right, if they chose to exercise it, to oppose the establishment of any new organisation or of any new federation or confederation by refusing, for example, to authorise the meeting of the constituent assembly. The Committee therefore expresses the hope that the Government will take all the necessary measures to give full effect to Article 8, paragraph 2, of the Convention, according to which "the law of the land shall not be such as to impair, nor shall it be so applied as to impair" the different rights provided for in the Convention.

20. As regards the right to organise of foreigners, the Committee must state once more, in the absence of any comments by the Government, that while the Rules of the Trade Unions, which previously covered only citizens, have been amended, article 151 of the Labour Code still refers to citizens only. The Committee therefore once more expresses the hope that it will be found possible to amend this article when the Labour Code is revised.

21. In 1961 the Committee had noted with interest the Government's statement that "there is no known case in . . . practice . . . of the application of article 18 of the Civil Code to trade unions". It also notes that in 1961 the Government informed the Conference Committee that "article 18 of the Civil Code did not concern trade unions". The Committee notes, however, that this article, which provides in general terms that "the existence of a legal entity may be terminated by the proper organ of government authority if . . . the activities of the organs of the legal entity (general meeting or management) deviate in a direction contrary to the interests of the State", applies both to associations of non-wage-earning workers and to associations of wage-earning workers which might be formed outside the officially recognised trade unions to promote and defend the interests of their members, since these are civil law associations which do not fall within the scope of the Labour Code. The Committee therefore hopes that measures may be taken without delay to ensure that all organisations "for the promotion and defence of the interests" of their members (Article 10 of the Convention) will no longer fall within the scope of article 18 of the Civil Code.

22. The Committee notes that the Government has not replied to the following questions which it had raised in paragraph 36 of the 1961 observation:

Article 106 of the Constitution of the Ukrainian S.S.R., which relates to the various forms of association, provides that the right of citizens to unite in the different "public organisations" is guaranteed "in conformity with the interests of the working people, and in order to develop the

¹ D. M. GENKIN, S. N. BRATUS, L. A. LUNTS and N. B. NOVITSKI: *Sovietskoe Grajdanskoe Pravo*, op. cit., loc. cit.

organisational initiative and political activity of the masses of the people". The Committee would be glad if the Government would indicate—(a) which authorities would be competent to decide whether in any given case the right of association has been exercised "in conformity with the interests of the working people"; (b) what legal provisions, whether of general application or not, would be applicable in such a case and what kind of sanction could be applied in the event of the competent authorities being of the opinion that certain individuals or organisations did not act in conformity with the interests of the working people; (c) whether there exist any legal decisions relating to these matters.

23. Nor has the Government supplied the following information, which was requested in 1959, 1960 and 1961:

The Committee has noted that under article 106 of the Constitution "the Communist Party . . . is the leading core of all organisations of the working people, both public and State". The effect of this provision appears to prohibit members of trade unions and their leaders from belonging to any other political party, and also to place all organisations of workers under the direction of this party. The Committee would be glad to know whether the effects of this provision would therefore make it legally impossible for any group of workers, should they so desire, to establish a trade union independent of the Party.

24. The Committee hopes that the Government will take the necessary action in the light of the above comments, without further delay, and will also supply the necessary information.¹

U.S.S.R. (ratification: 1956). The Government has not, as requested by the Committee last year, supplied a detailed report for the year 1960-61. The Committee has however taken note of the statements made by the Government representative before the Committee of the Conference in 1961 to which reference is made in the brief report supplied by the Government, and of the discussions in that Committee.

The Committee has noted the statement by the Government representative, who considers that the observations made are based on an erroneous interpretation of the national legislation and who referred to a number of documents relating to the trade union situation in the U.S.S.R.

The Committee has observed that none of the documents considered had been prepared for the purpose of assessing whether the national law and practice were in conformity with the ratified Conventions relating to freedom of association and that none of them invalidated the conclusions of the Committee with regard to this matter. This was especially true in the case of the most recent document concerning *The Trade Union Situation in the U.S.S.R.* published after the visit of the I.L.O. mission to that country. It has noted that this report specifically confirms various points to which the Committee had previously drawn attention and, especially, the fact that members of kolkhozes cannot become members of organisations for furthering and defending their interests (Article 10 of the Convention).

The Committee has pointed out in previous years that the legislation of the U.S.S.R. contains a number of provisions which restrict or may restrict the rights provided for in the Convention and infringe the guarantees laid down therein and, in particular, sections 152, 153, 156, 157 and 158 of the Labour Code of the R.S.F.S.R., the Decrees of 23 June 1933 and 21 August 1934, the Decree of 30 July 1932 in the R.S.F.S.R. applying the federal Decree of 6 January 1930, the Order of 15 May 1935 and article 18 of the Civil Code of the R.S.F.S.R. The Committee has also observed that the information furnished by the Government representative to the Conference Committee contains no new elements to cause those conclusions to be modified. It has noted, however, that a draft labour enactment would repeal and replace the sections of the Labour Code referred to above. It is obliged, therefore, once again to

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

urge the Government to take all necessary measures, when these changes in the legislation are being effected, to amend all the provisions entering into the field of application of the Convention, including those cited above, and all corresponding provisions in force in the other constituent Republics, having regard to the observations made below, which relate to observations made earlier by the Committee and to the replies of the Government in the Conference Committee.

1. The Committee observes that the remarks cited below which it made in the two preceding years, and especially in paragraph 1 of the observation made in 1961, have not been commented on by the Government. These read as follows:

In the first place the Committee has observed that the Government refers "above all" to the provisions of article 126 of the Constitution of the U.S.S.R. which, it declares, "guarantees to all citizens the right to create a social organisation without previous authorisation". It notes, however, that this constitutional provision establishes a right which is exercised according to rules established by law: thus "social organisations" are set up and function in accordance with certain rules prescribed by law in respect of each of them. It is necessary therefore to consider to what extent the legislation in force guarantees freedom of association as defined by the Convention.

In this connection the Committee observes that the legislation of the R.S.F.S.R. draws a distinction between salaried and wage-earning workers, on the one hand, and self-employed (non-salaried) workers, on the other.

2. Firstly, as regards salaried workers, the Committee pointed out in preceding years that the provisions of articles 152 and 153 of the Labour Code, read together, resulted in a requirement of "previous authorisation", which is not compatible with Article 2 of the Convention.

3. In fact, as the Committee has emphasised, the provision in article 152 of the Code that trade unions shall be registered with an inter-union organisation, "i.e. the All-Union Central Council of Trade Unions", as the Government explicitly stated in its report in 1961—an organisation which can refuse registration—constitutes an *indispensable formality* which must be fulfilled in order that a trade union can *legally* exist as such. In effect, article 153 of the Labour Code specifically provides that "no trade union which has not been registered with an inter-union organ . . . can style itself a trade union or claim the rights of a trade union".

4. The Committee had also noted that—

. . . in fact as well as in law, the Central Council of Trade Unions has not merely the character of the supreme executive trade union organ; it is also an organ endowed with a portion of the state power, in view of the fact that it can, among other things, by virtue of the Decrees of 23 June 1933 and 21 August 1934, issue regulations governing the application of labour legislation.

5. In this connection, the Government representative stated before the Conference Committee in 1961 that the Central Council of Trade Unions—

. . . was exclusively a trade union organ and did not have the character of a state organ; the Council was not mentioned in the Constitution amongst the government authorities. The functions and rights of trade unions in the U.S.S.R. were certainly more extensive than those of trade unions in Western countries, as they covered such matters as social insurance and safety regulations, but this should not be taken to mean that the Central Council of Trade Unions was a government body. . . . in effecting . . . registration . . . the Central Council of Trade Unions was . . . acting in its trade union capacity. It was sometimes claimed that a system whereby the registration of a trade union might be refused by the state authorities was tantamount to a system requiring previous authorisation before setting up a trade union. . . . However, this was not the case in the U.S.S.R., where registration by the State was not required and where the registration of a trade union had never been refused.

As regards the right of the Central Council of Trade Unions to refuse to register the rules of a trade union, this would be possible only if the rules of the trade union in question were not in conformity with the Rules of the Central Council.

6. The Committee observes, however, as it has done in previous years, that even if the Central Council of Trade Unions is not a "government authority", the law

has endowed it with a portion of the state power. Thus, the Decrees of 23 June 1933 and 21 August 1934 have empowered it to issue regulations governing the application of labour legislation. In this connection the Committee pointed out in 1961 that "in several of its reports the Government has included the Rules of the Trade Unions of the U.S.S.R. among the legal texts giving effect to the Convention" and that "in the compilation of labour legislation published by the U.S.S.R. trade union press, presumably pursuant to the decrees of 1933 and 1934, the chapter dealing with trade unions makes no reference to legislation but reproduces the text of the Rules of the Trade Unions of the U.S.S.R.". Noting that "this publication entails a danger of an erroneous interpretation being placed on the legal force of these texts", the Committee requested the Government to "indicate any measures that may be taken in order to avoid any misinterpretation". The Committee observes that the Government has furnished no reply or comment on this point.

7. In any event, as the Committee pointed out in previous years, the law, by delegating to a higher trade union organ the power to register trade unions, places it in a position in which it is both judge and interested party. Thus, even if the government authority does not intervene directly to grant or refuse to a group a legal existence as a trade union, it delegates this power by law to a body which is able to impose substantive conditions, such as the contents of its rules.

8. It appears, therefore, as the Committee pointed out in 1959, 1960 and 1961, articles 152 and 153 of the Labour Code result in a requirement of "previous authorisation" within the meaning of Article 2 of the Convention.

9. Thus, as the Committee noted in 1960—

... the fact, put forward by the Government's representative at the Conference [in 1959] that the requirement of registration laid down in the Labour Code did not amount to "previous" authorisation, because "only registration of a trade union which has already been set up" is required, does not materially alter the elements of the problems because, in default of registration, a trade union could not operate as such and also could not have the legal personality which is necessary for its activities, as defined in Article 7 of the Convention.

10. With regard to the establishment of organisations of the workers' "own choosing", the Government repeated in substance in the Conference Committee the statements which it had made previously and has, therefore, adduced no new element calling for any modification of the following conclusions, reached by the Committee in 1960 and 1961:

... the establishment of a new "inter-union organisation" would, according to the legal provisions, clearly be impossible without the consent of the existing inter-union organisation, which has the full right to withhold it. Such establishment in fact could be achieved only by two trade unions already in existence which, in order "to claim the rights of a trade union" and especially the right to set up an inter-union organisation would first have to secure their registration by an existing inter-union organisation.

11. In 1961 the Committee noted the statement contained in the report to the effect that this conclusion resulted from an "excessively formalistic interpretation... of articles 152 and 153 of the Labour Code of the R.S.F.S.R. [and] is not in keeping with the practice...", and that "if these articles were [thus] interpreted... the conclusion would be reached that no trade unions can be established at all... without the existence of an inter-union organisation".

12. Consequently, the Committee observed that—

The Government recognises that the provisions of articles 152 and 153 of the Labour Code... are capable of being applied in a manner incompatible with the Convention.

13. The Government stated in the Conference Committee that—

“ it has never expressed this view ” but that this excessively literal interpretation “ was incorrect and unfounded ”.

14. The Committee must emphasise that whenever a provision appears to lend itself to being interpreted in a manner incompatible with the Convention, as in the present case, it is bound to urge the repeal or amendment of the provision in question, in order to obviate the possibility of any derogation from the Convention. Moreover, as it pointed out in 1961—

... when a unified trade union movement in a country results solely from the will of the workers, this situation does not require to be sanctioned by legal texts, the existence of which might give the impression that the unified trade union movement is merely the result of existing legislation or is kept in force only through such legislation.

15. The Committee notes that paragraphs 16 and 19 of the observation made in 1961 have not been commented on by the Government. These paragraphs read as follows:

... In any event it would appear also that the “ free choice ” by the founders in respect of the organisation they might wish to establish is limited by the aforesaid provisions of the Labour Code. Under the terms of Article 2 of the Convention, workers shall have the right to establish organisations “ of their own choosing ”, including, if they so wish, new organisations independent of all other existing organisations. They are prohibited from doing so by articles 152 and 153 of the Labour Code which, in this respect also, are not compatible with the Convention.

... as the Government indicates in its report ... the Central Council of Trade Unions may refuse to register the rules of a trade union if they are not in accordance with the Rules of the Trade Unions of the U.S.S.R. In view of the fact that such refusal of registration may result, by virtue of article 153 of the Labour Code, in a trade union being prohibited from existing as such ... it would appear that articles 152 and 153 place restrictions on the right of organisations to draw up their constitutions and rules in freedom, to organise their administration and activities and to formulate their programmes. From this point of view, therefore, articles 152 and 153 of the Labour Code constitute an “ interference ” on the part of the public authorities, through the medium of legislation, which is incompatible with Articles 3 and 8 of the Convention.

16. The Government has also not commented on the remarks made by the Committee with regard to the establishment of federations and confederations, which were as follows:

With respect to the establishment by primary organisations of federations and confederations, the Committee pointed out in 1959 and 1960 that, even in the absence of any specific provisions to that effect, articles 152 and 153 of the Labour Code have the effect of prohibiting the establishment of federations or confederations outside the existing trade union movement.

17. The Government has adduced no new element to cause the Committee to modify its remarks with reference to articles 156, 157 and 158 of the Labour Code, which were as follows:

... the practice referred to by the Government [existence of several committees in an undertaking if they are organs of different trade unions] does not mean that, when a trade union committee already exists in an undertaking in order to represent certain categories of workers, the workers belonging to these categories may if they wish set up another organisation. The manner in which articles 156, 157 and 158 of the Labour Code are drafted would seem, on the contrary, to preclude the possibility of a second organisation representing the same categories of workers being set up. As the fact of this being prescribed by legislation would not be compatible with the Convention, the articles in question should be amended so as to preclude any possibility of their being interpreted erroneously.

18. With regard to the managers of undertakings, the Committee made the following comments in 1961:

In its report the Government declares that no provisions in the legislation restrict the freedom of association of directors. As the Committee understands the position it would seem that, under the legislation in force, if managers of undertakings wished, as wage earners, to set up their own

occupational organisations, they would have to register their organisations with the Central Council of Trade Unions. With respect to the associations or "unions" which managers of undertakings might set up outside the trade union movement of salaried workers, these would require to have their rules approved by the competent public authorities and such organisations could not, unless expressly authorised by law, promote and defend the interests of their members (see the Decree of 10 July 1932 analysed below).

19. Before the Conference Committee, the Government declared—

Managers of undertakings are free to set up their own organisations, in conformity with article 126 of the Soviet Constitution. These organisations are not required, by law, to register. . . .

20. It would appear, however, as the Committee has pointed out in previous years (see paragraph 1 above)—and this point has not been commented on by the Government—that article 126 of the Constitution establishes a right which is exercised according to rules established by law. In the case of associations or unions these rules are laid down by the Decree of 10 July 1932 (see the analysis thereof below).

21. The Committee has observed that, as regards the position of non-salaried workers, the number of whom, the Committee emphasises once again, is considerable (having regard to the producers' co-operatives), the Government has furnished no new information to cause it to amend the following observations which it made in 1961:

In 1959 and 1960 the Committee referred, with respect to these workers, to the provisions of the Decree of 10 July 1932 of the R.S.F.S.R. issued to apply the federal Decree of 6 January 1930. In this connection it pointed out that

the provisions of sections 11, 14 and 16 of the Decree of 1932, which provide that the constitutions and rules of "unions" shall be approved by the competent administrative authorities, are not compatible with Articles 2 and 3 of the Convention, according to which workers' organisations shall have the right to be established "without previous authorisation" and the right to draw up their constitutions and rules "in full freedom" and to formulate their programmes without "interference" by the public authorities. Again, the provisions of sections 17 to 20 of the decree, which prescribe and establish strict supervision of the activities of these "unions" by the administrative authorities, are incompatible with the provisions of Article 3, according to which organisations shall have the right "to organise their administration and activities and to formulate their programmes" without any "interference" on the part of the public authorities. Further, according to sections 22 and 28 of the same decree, these unions may be dissolved by decision of the same administrative authorities, which is clearly incompatible with Article 4 of the Convention, according to which "workers' . . . organisations shall not be liable to be dissolved or suspended by administrative authority". Finally, it would seem that "unions" should have the right, without special authorisation for this purpose (section 8 of the decree of 1932), to "further and defend the interests" of their members (Articles 2, 3, 8 and 10 of the Convention).

In its report the Government points out that the "unions" referred to in the Decree of 10 July 1932 are not trade unions and that their purpose is not to protect and defend the economic and legal interests of the non-salaried workers belonging to them. The Government emphasises that no use has been made of the possibility provided for in article 8 of the Decree of 10 July 1932 according to which these organisations may be authorised by law to defend the interests of their members; it points out that "there is no provision for such exceptions in Soviet legislation".

The Committee has taken note of this information. It observes, nevertheless, that, according to certain official Soviet legal textbooks, "unions" are distinguishable from ordinary "voluntary associations" because, precisely, they have the object of protecting and representing the economic and legal interests of their members.¹ In so far as these unions may be regarded as being organisations "for furthering and defending the interests" of their members (Article 10 of the Convention) the provisions of the Decree of 10 July 1932 are therefore incompatible with the Convention.

If, on the other hand, "unions" do not in fact have as their object the defence of the interests of their members, a question arises as to what means are available to non-salaried workers which would enable them to establish organisations for the furtherance and defence of their interests. The Government appears to refer in this respect to article 126 of the Constitution. It would seem,

¹ D. M. GENKIN, S. N. BRATUS, L. A. LUNTS and N. B. NOVITSKI: *Sovietskoe Grajdanskoe Pravo*, op. cit., loc. cit.

nevertheless, that, so long as the Decree of 10 July 1932 remains in force and is effectively applied, the right enunciated in the said article of the Constitution cannot be exercised freely by non-salaried workers, as the competent authorities will necessarily be bound to control the establishment of any new organisation of non-salaried workers in order to ensure observance of the rules laid down in this decree.

In these circumstances, in order to remove any uncertainty as to the manner in which the Decree of 10 July 1932 may be applied, and especially in order to avoid the possibility of this decree being used to control the establishment of any organisation of workers having the purpose of defending the interests of its members, it would be necessary for the Government to adopt one of the following solutions:

- repeal the Decree of 10 July 1932 and the federal Decree of 6 January 1930 and also all other relevant provisions relating to associations; or
- amend the Decree of 10 July 1932 so as to bring it into conformity with the Convention; or
- adopt new legal provisions in conformity with the Convention and providing specifically that all non-salaried workers "have the right to establish organisations of their own choosing without prior authorisation" for the purpose of "furthering and defending the interests" of their members (Articles 2 and 10 of the Convention).

22. The Government has made no comments on the Committee's observations on the legislation relating to the right of meeting, which read as follows:

It also appears that, in order to ensure the application of Article 8 of the Convention, it would be necessary to undertake the revision of various legislative provisions of more general application. For example, the Order of 15 May 1935 making it necessary to obtain the authorisation of the competent authorities for any meeting, conference, etc., should be amended. In this connection the Committee has taken note of the Government's statement that the provisions of this order "have never applied to trade unions" and are considered obsolete as regards other "social organisations". The Committee has also noted that, according to section 7 of the regulations regarding the rights of factory and local trade union committees, such committees may hold meetings without the prior authorisation of the public authorities. It would appear, however, that the Order of 15 May 1935 and the other relevant provisions concerning meetings would give the public authorities the right, if they chose to exercise it, to oppose the establishment of any new organisation or of any new federation or confederation by refusing, for example, to authorise the meeting of the constituent assembly. The Committee therefore expresses the hope that the Government will take all the necessary measures to give full effect to Article 8, paragraph 2, of the Convention, according to which "the law of the land shall not be such as to impair, nor shall it be so applied as to impair", the different rights provided for in the Convention.

23. The Committee has noted the statement by the Government representative that the term "citizen" employed in article 151 of the Labour Code dealing with the right to organise is used for "all individuals, citizens of any country, even a foreign country". It assumes that this is a consequence of the amendment to article 1 of the Rules of the Trade Unions made at the 12th Congress of Trade Unions, when the reference to "citizens" was deleted from the Rules. It considers, therefore, that it would entail no difficulty for the Government to make a consequential amendment to article 151 of the Code when the text is revised.

24. The Committee has taken note with interest of the statement by the Government representative from which it would appear that article 18 of the Civil Code providing for "the termination of a legal entity by the proper organ of government authority" does not apply to trade unions; according to the Government article 3 of the Civil Code excludes from the scope of this text all relationships arising out of employment. The Committee observes, however, that article 18 of the Civil Code applies both to associations of non-salaried workers and to associations of salaried workers which might be established outside the officially recognised trade unions for furthering and defending the interests of their members, as these are civil law associations outside the application of the Labour Code. The Committee expresses the hope, therefore, that measures will be taken without delay to remove from the application of article 18 of the Civil Code all organisations having the

purpose of furthering and defending the interests of workers (Article 10 of the Convention).

25. The Committee notes that the Government has furnished no reply to the following questions which it put in paragraph 37 of the observations made in 1961:

Article 126 of the Constitution of the U.S.S.R., which relates to the various forms of association, provides that the right of citizens to unite in the different "public organisations" is guaranteed "in conformity with the interests of the working people, and in order to develop the organisational initiative and political activity of the masses of the people". The Committee would like to know—(a) which authorities would be competent to decide whether in any given case the right of association has been exercised "in conformity with the interests of the working people"; (b) what legal provisions, whether of general application or not, would be applicable in such a case and what kind of sanction could be applied in the event of the competent authorities being of the opinion that certain individuals or organisations did not act in conformity with the interests of the working people; (c) whether there exist any legal decisions relating to these matters.

26. In 1959 and 1961 the Committee requested the Government to furnish the following information:

The Committee has noted that under article 126 of the Constitution of the U.S.S.R. "the Communist Party . . . is the leading core of all organisations of the working people, both public and State". The effect of this provision appears to prohibit members of trade unions and their leaders from belonging to any other political party and also to place all organisations of workers under the direction of this party. The Committee would be glad to know whether the effects of this provision would therefore make it legally impossible for any group of workers, should they so desire, to establish a trade union independent of the Party.

27. Before the Conference Committee in 1961 the Government representative declared:

As regards the relationship between trade unions in the U.S.S.R. and the Communist Party, this question does not fall within the scope of Conventions Nos. 11, 97 and 98. . . .

28. The Committee observes, however, that the application of article 126 of the Constitution is pertinent to the application of Convention No. 87. In fact, in so far as it may be confirmed that article 126 of the Constitution renders it legally impossible to set up an organisation of workers independent of the political party in question, this consequence would be incompatible with Article 8, paragraph 2, of the Convention, according to 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", which include the free choice of the organisation set up (Article 2) and freedom with regard to the election of representatives and the formulation of the programmes of organisations (Article 3). Further, this provision might be regarded as an interference with regard to workers' organisations by the State in its capacity as an employer which is prohibited by Article 2 of Convention No. 98.

29. The Committee has also noted that, according to article 137 of the Penal Code, "opposing the legal activity of trade unions and their organs is punishable by corrective labour for a term not exceeding one year or by a fine . . . or by dismissal from office". This provision does not relate only to opposition to trade union activity by public authorities and employers (or managers of state undertakings), which would ensure the application of Articles 3 and 11 of the Convention; its scope is broader and, by virtue of the general reference to "opposing the legal activity of trade unions", it might be applied in the case of any worker or group of workers who might wish to organise outside the trade union movement whose unity is instituted, recognised and maintained by law. It might also, in the event of a strike decided upon contrary to the opinions of the trade union leaders, be used as a means of punishing any striker or person inciting the strike. The Committee, therefore, expresses the hope that, in order to remove any doubts concerning the scope of this provision, the Government will take all necessary measures to limit its application

to cases of opposition on the part of public authorities, managers of state undertakings and employers.¹

30. The Committee hopes that the Government will take the necessary action in the light of the above comments, without further delay, and will also supply the necessary information.¹

United Arab Republic (ratification: 1957). The Committee has taken note of the information furnished by the Government to the Conference Committee in 1961 and in its annual report. It has noted that the Government admitted before the Conference Committee that the text of the Code "is not in conformity with the Convention" and stated that this divergency "was due to the fact that a transitional period has been considered necessary in order better to ensure freedom of association later". In these circumstances, the Committee takes note of the willingness of the Government to ensure the application of the Convention and hopes that it will make every effort to bring its legislation into conformity with the international instrument at an early date. It trusts, in particular, that the Government will take all necessary measures to this end through the Advisory Labour Council, the tripartite body which is responsible for the preparation of labour legislation and which has been made aware of the observations made by the Committee. It recalls, therefore, that the divergencies existing between the legislation and the Convention are as follows:

1. Section 162 of the Labour Code annexed to Act No. 91 of 5 April 1959 forbids the formation of more than one general trade union by persons employed in the same occupation, trade or craft. According to the information furnished by the Government, this provision responds to the need to avoid disputes and splits in the trade union movement. As the Committee has already pointed out on several occasions, while it may be to the advantage of the workers to avoid a multiplicity of trade union organisations, unification of the trade union movement must not be imposed through state intervention by legislative means, as such an intervention runs counter to the rule laid down in the Convention that workers and employers have the right to establish and join organisations "of their own choosing" (Article 2), and shall be enabled to "exercise freely the right to organise" (Article 11).

2. Section 169 (a), as amended by Act No. 132 of 1960, provides that a trade union committee in an establishment will be formed "on condition that the number of workers requesting to contribute is not less than 50". It would appear that the requirement of such a high number of "founders" is likely to hinder the establishment of trade unions, contrary to the Convention, which provides that all necessary and appropriate measures shall be taken to ensure that workers and employers "may exercise freely the right to organise" (Article 11).

3. The Government indicates that section 165 of the Code was enacted in order "to avoid the interference of public authorities" for the purpose of conciliation between the various groups seeking to form a trade union. It would seem that, while the public authority does not intervene directly to authorise the establishment of a trade union by supporting one group rather than another, it delegates its powers by law to a higher trade union organ which is designated by name: indeed, according to section 165, the deposit of the rules—a condition precedent to the carrying on of any activities by a trade union (section 166 of the Code)—can be effected only by a trade union representative furnished with a document issued by the General Federation of Labour (a single central confederation by virtue of section 183 of the Code). Thus, no occupational organisation can legally exist as a trade union if it has not obtained the "authorisation" of the General Federation of Labour. Further, the

¹ The Government is requested to supply full particulars to the Conference at its 46th Session and to report in detail for the period 1961-62.

fact that such competence is, as the Government indicates, entrusted to the General Federation of Labour "as being the higher trade union organisation", places that organisation in a position in which it is both judge and party. Such a rule does not permit the founders to set up an organisation "of their own choosing" whereas, according to the Convention, they should be able to establish, if they wish, a new organisation independent of any organisation already in existence.

4. Sections 6 and 7 of Act No. 91, as amended in 1960, require trade unions existing prior to the enactment of the Labour Code to integrate themselves in the new trade union system (unified trade unions at all levels) or dissolve. This rule is such as to limit the choice of the workers with respect to the establishment of trade unions or membership in such unions (see paragraph 9 below).

5. The terminology of section 6 of Act No. 91, according to which trade union assets are made over to the Ministry of Social Affairs and Labour "for the formation of new trade unions" is likely to make possible intervention on the part of the Government, which could limit "the freedom of choice" of the founders of an organisation. Moreover, in order to give effect to Article 3 of the Convention, the devolution of these assets should take place in the absence of any intervention by the Government, in accordance with the relevant rules laid down in the constitutions and rules of the dissolved trade unions whenever they contain any such rules.

6. Section 163 of the Code provides that "no worker may continue to be a member of a trade union more than two years after the date of his ceasing to be employed". The Committee, noting in this connection the information furnished by the Government to the effect that this prohibition applies solely to members of trade union committees in establishments observed in 1961 that such a restriction of the scope of application of section 163 is not apparent from the wording of that section which contains, in addition to the prohibition referred to above, rules of general application. In any event, if this provision results in prohibiting the election as trade union officers of persons who are not engaged in the undertaking or occupation represented by the trade union concerned, it is not compatible with Article 3 of the Convention, according to which workers' organisations shall have the right to elect their representatives "in full freedom".

7. Section 177 of the Labour Code provides that "notice of every general meeting of a general trade union shall be sent by registered letter to the administrative authority concerned at least seven days before the date fixed for the meeting", a rule which Act No. 132 of 1960 amending section 169 of the Labour Code has extended to general meetings of regional trade unions and works trade unions. The Committee, noting that according to the information furnished by the Government, these provisions are intended to enable the administrative authorities to provide protection in the event of disorder and are applicable to all kinds of meetings in general, emphasised in 1961 that such a provision is not justifiable in respect of private meetings held in trade union premises or in premises hired for that purpose. It may, indeed, restrict the right of organisations to organise their activities freely and permit of interventions on the part of the public authorities contrary to the provisions of Article 3 of the Convention, according to which trade unions shall have the right freely "to organise their . . . activities", while the public authorities shall "refrain from any interference which would restrict this right". It is also incompatible with Article 8, paragraph 2, of the Convention.

8. Section 174 of the Labour Code, forbidding trade unions in general terms to "concern themselves with political questions" might, as the Committee has already pointed out on other occasions, be interpreted in such a manner as to place considerable restrictions on the right of trade unions "to formulate their programmes"

without any "intervention" by the "public authorities" (Article 3 of the Convention), especially—as the Conference Committee has indicated—as there exists no precise demarcation between the political field, on the one hand, and the economic and social field, on the other.

9. According to section 183, "it shall be unlawful to form more than one general federation in the United Arab Republic". This provision does not appear to be compatible with Articles 5 and 6 of the Convention, which apply the guarantees laid down in Articles 2 and 3 of the Convention to the establishment of federations and confederations and to affiliation with these higher organisations. Indeed, under these various provisions of the Convention, trade union organisations shall have the right to establish and join federations or confederations "of their own choosing without previous authorisation".

10. Finally, as under section 184, regional or general federations have the same obligations as general trade unions, it would appear that the various provisions referred to above in connection with primary organisations are also incompatible with the corresponding provisions of the Convention in so far as federations and confederations are concerned.

The Committee has also observed with regret that the Government has not yet furnished any information on several points which were the subject of direct requests in 1960 and 1961; it can only repeat its request that precise and detailed replies to these different questions will be furnished by the Government in its next report.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Burma, Central African Republic, Cuba, Guatemala, Hungary, Malagasy Republic, Mexico, Niger, Peru, Philippines, Poland, Senegal, Ukraine, United Arab Republic, Yugoslavia.*

Convention No. 88: Employment Service, 1948

Argentina (ratification: 1956). The Government indicates that it cannot reply to the Committee's direct request of 1960 as the reorganisation of the employment service has not been completed. The Committee trusts that this reorganisation will take full account of the provisions of the Convention, in particular those to which reference was made in the request of 1960, a further copy of which is being communicated to the Government for convenience.

The Committee would be grateful if the next report would supply particulars as to progress made in this respect, and hopes that the Government will soon be in a position, if necessary with the help of technical assistance, to give full effect to this Convention.

Australia (ratification: 1949). Further to its observation of 1960, the Committee notes with regret that the representatives of the Australian Confederation of Trade Unions continue to be absent from the Ministry of Labour Advisory Council, but observes that the Minister and the Department of Labour and National Service propose to renew their efforts in 1962 to re-establish a fully representative high-level national advisory committee of representatives of employers and workers.

The Committee expresses the hope that these efforts will shortly be successful so that effect can once again be given to the requirements of Articles 4 and 5 of the

¹ The Government is asked to furnish complete information at the 46th Session of the Conference and to communicate a report for the period 1961-62.

Convention, which call for the appointment of advisory committees including employers' and workers' representatives.

Brazil (ratification: 1957). The Committee observes from the Government's report that it has taken note of the measures advised by the Committee and will supply information on the progress made in its next report.

As no employment service along the lines envisaged by the Convention appears as yet to exist in Brazil, the Committee trusts that measures to establish such a service will be initiated and will cover the matters enumerated in the Committee's direct request of 1960 which is being addressed once again to the Government.

Bulgaria (ratification: 1949). The Committee notes that the Government denounced this Convention in March 1961.

Cuba (ratification: 1952). The Committee notes from the Government's report that the Law No. 907 of 31 December 1960 makes a national authority responsible for all matters pertaining to employment and unemployment (section 21). The Committee trusts that in these circumstances it will be possible to give effect to the various provisions of the Convention with a view to the establishment of a national system of employment offices and of the advisory committees provided for under Articles 2, 3 and 4 of the Convention.

Dominican Republic (ratification: 1953). The Committee thanks the Government for the detailed information supplied in answer to the observation made in 1960 and notes with satisfaction that Decree No. 5740 of 5 May 1960 provides for the establishment of the National Advisory Committee on Employment (Articles 4 and 5 of the Convention).

Guatemala (ratification: 1952). The Committee notes with interest, from the information supplied in reply to the observation of 1960 that the Government is taking action with a view to extension of the employment service, which at present consists of only one office in the capital city, to other regions, and that, for this purpose, the Government has requested the technical assistance of the I.L.O.

The Committee hopes that it will in this way be possible for the Government—
(a) to establish a network of regional and local offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers; (b) to establish joint national and, where necessary, regional and local advisory committees; and (c) to train a competent staff (Articles 3, 4 and 9 of the Convention).

The Committee trusts that the Government's next report will supply information on the progress made in these respects.

Iraq (ratification: 1951). The Committee thanks the Government for the information supplied in response to the request made in 1960. As only one employment office (the Central Employment Service in Baghdad) is at present functioning, the Committee notes with interest the Government's statement that the establishment of other offices is under active consideration, that recommendations to this end made by an I.L.O. expert have been accepted in principle and that the necessary financial provision is to be included in the next budget. The Committee trusts that through the adoption of these measures it will be possible to establish a "national system of employment offices", comprising a "network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers" as required by Articles 1, 2, 3 and 6 of the Convention.

Articles 4 and 5 of the Convention. The Committee regrets to note that the Employment Council and the local employment committees provided for in sections 87, 90, 91 and 92 of the Labour Code of 1958 have not yet been set up and hopes that the Government will, in the near future, take appropriate action to set up such advisory committees.

Articles 6, 7 and 8. The Committee notes the Government's intention to take appropriate measures to organise the work of the employment offices in order to meet the requirements of these articles of the Convention particularly with a view to—*(a)* assisting applicants, where appropriate, to obtain vocational guidance or vocational training or retraining; *(b)* collecting and analysing and making available information on the situation of the employment market; and *(c)* providing adequately for the needs of particular categories of applicants for employment, such as disabled persons.

The Committee trusts that the Government will, in its next report, provide detailed information on the progress made in giving effect to these various requirements of the Convention.

Italy (ratification: 1952). With reference to the continued absence of equal representation between employers and workers in the joint advisory committees which are called upon to collaborate with the employment services (Articles 4 and 5 of the Convention), the Committee notes that the Government once again invokes article 19 of the I.L.O. Constitution in order to explain the discrepancy between its legislation and these provisions of the Convention.

The Committee draws the Government's attention to its observations of 1957 and 1958 with which the Conference Committee concurred, stating that "it would appear preferable, in this case, not to invoke article 19, paragraph 8, of the Constitution, which deals with conditions of work rather than with procedural matters such as those referred to in Article 4, paragraph 3, of the Convention".

As the efficient working of the consultative bodies, and consequently of the employment service they are designed to advise, may only be brought about by practical agreement among the parties concerned, the Committee reiterates the hope that the Government will be able to give effect to the spirit as well as the letter of Articles 4 and 5 of the Convention, if possible on the basis of such an agreement.

Philippines (ratification: 1953). The Committee notes with interest from the Annual Report of the Office of Manpower Services (fiscal year 1960-61) the establishment on 1 July 1961 of four regional labour market information offices in Manila, Cebu, Iloilo and Davao. As it would appear that these offices will not function as full employment offices, as envisaged under Article 6 of the Convention, the Committee notes with regret that the employment service functioning in the Philippines in spite of the Committee's observations since 1956, still consists only of one employment office in Manila.

The Committee recalls the statement made by a Government representative in the Conference Committee in 1960 that Congress had adopted a Bill for the setting up of 12 regional offices of the Department of Labor, each of which would include an employment office, financed on a permanent basis. The Committee notes, however, in the light of the available information that the situation has remained unchanged.

The Committee must again voice its concern at this situation and urges the Government to give full effect to the Convention in the near future.

United Arab Republic (ratification: 1954). The Committee notes with regret from the Government's report that advisory committees as provided for by section 15 of

the Labour Code and Articles 4 and 5 of the Convention have not yet been established. It expresses the hope that such committees will be set up in the near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Brazil, Cyprus, Czechoslovakia, Greece, India, Luxembourg, Nigeria, Sierra Leone, Tanganyika, United Arab Republic, Yugoslavia.*

Convention No. 89: Night Work (Women) (Revised), 1948

Austria (ratification: 1950). The Committee regrets to note from the report that a new Bill on hours of work designed to eliminate the discrepancies existing between national legislation and the Convention has not yet been submitted to Parliament. The Committee also notes the comments of the Austrian Congress of Chambers of Labour mentioned in the report, to the effect that legislative provisions in force in the country concerning night work for women are not in full conformity with those of the Convention and that recent jurisprudence in this matter has further aggravated existing difficulties.

In these circumstances the Committee points out that since 1953 it has repeatedly expressed the hope that the necessary legislative changes will be introduced in the very near future. It must now insist that the Government submit the necessary legislative proposals without delay.¹

Czechoslovakia (ratification: 1950). Since the report gives no information in reply to the observation as regards Article 2, the Committee must repeat its previous observations, indicating that a night rest of at least 11 consecutive hours is not expressly provided for in the existing legislation. The Committee trusts that this basic discrepancy between the legislation and the Convention, to which attention has been drawn since 1955, will be removed without further delay.¹

France (ratification: 1953). See under Convention No. 6.

Guatemala (ratification: 1952). The Committee notes with satisfaction that the Decree of 5 May 1961 has amended section 116 of the Labour Code by defining "night work" as work carried out between 6 p.m. and 6 a.m. (i.e. a period of 12 hours), thus bringing the national legislation into conformity with the provisions of Article 2 of the Convention.

Netherlands (ratification: 1954). The Committee notes with interest from the Government's reply to the observation of 1960 that the Director-General of Labour has communicated to the chiefs of labour inspection districts a circular which requires them to interpret the provision of section 83 (7) of the Labour Act 1919 (authorising exceptions from the night work prohibition) within the scope of Article 4 of the Convention (cases of *force majeure*). The Committee hopes that the Government will also find it possible to bring the above-mentioned legislation into full conformity with Article 4 (a) of the Convention.

It would be grateful if the Government would indicate any measures taken or contemplated in this respect.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Pakistan (ratification: 1951). The Government has failed to reply to the Committee's observation, made since 1954, that section 46 (1) of the Mines Act gives the Central Government *general* powers to grant exceptions from the provisions of the Act, whereas Article 5 of the Convention authorises the suspension of the prohibition of night work by women only when in cases of serious emergency the national interest demands it.

As the Government has repeatedly stated in its reports and in the Conference Committee that a Mines (Amendment) Bill to be submitted to Parliament would eliminate this divergency between the legislation and the Convention, the Committee must reiterate the hope that the Bill in question will be enacted without further delay.

Philippines (ratification: 1953). The Committee notes with regret that the Bill designed to bring the Woman and Child Labor Law (Act No. 679) into conformity with the provisions of Article 2 (a night rest period of at least 11 consecutive hours) and Article 5, paragraph 1, of the Convention (consultation with employers' and workers' organisations before suspension of the night work prohibition) was not approved in 1961 but that it is to be reintroduced simultaneously in both Houses when the next session of the Fifth Congress is convened. As this amendment had already been mentioned in the Government's report for 1955-56, the Committee hopes that the Bill will be passed without further delay.

Rumania (ratification: 1957). The Committee notes with regret from the report that no progress has been made in bringing the legislation into conformity with the Convention as regards the definition of the term "night" (section 50 of the Labour Code defines it as a period of eight hours instead of 11 hours as provided for in Article 2 of the Convention). The Committee must therefore reiterate its hope that the necessary measures will be taken in the very near future.

Tunisia (ratification: 1957). The Committee was glad to note from the information supplied in reply to its request of 1960 that the Legislative Decree of 14 March 1960 has introduced amendments to bring the national legislation into conformity with the Convention.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its observation of 1960, which was as follows:

The Committee regrets to note that the Government's report for the third year running contains no new information and must therefore reiterate its observations of 1957, 1958 and 1959, when it noted that no legislation exists in Uruguay to give effect to the Convention. The Committee considers this situation all the more deplorable because prior to the ratification of Convention No. 89, Uruguay had been bound for 22 years by the ratified Convention No. 4 without giving effect to its provisions.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Congo (Leopoldville)*, *Czechoslovakia*, *France*, *Greece*, *Guatemala*, *Ireland*, *New Zealand*, *Philippines*, *Republic of South Africa*, *Spain*, *United Arab Republic*.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Argentina (ratification: 1956). The Committee notes with regret that the Government's report does not indicate what steps have been taken or are envisaged in order to eliminate the important discrepancy existing between the national legislation and the provisions of the Convention, which was pointed out in the Committee's observation of 1961. The Committee must therefore again draw attention to the fact that section 6 of the Employment of Women and Young Persons Act (No. 11317) of 30 September 1924 fixes a period of night rest for young persons of only ten hours in summer and 11 hours in winter, whereas Article 2 of the Convention fixes the duration of this period of rest at a minimum of 12 consecutive hours, including, in the case of children under 16 years of age, the interval between 10 p.m. and 6 a.m., and in the case of young persons between the ages of 16 and 18 years an interval of at least seven hours between 10 p.m. and 7 a.m.

The Committee trusts that the Government will make every effort to bring its national legislation into conformity with the Convention on this point as soon as possible.

Czechoslovakia (ratification: 1950). The Committee notes from the statement made by a Government representative to the Conference Committee in 1961 in reply to the observations of 1960 and 1961 that the Convention is applied in practice and that the legislation itself will be brought into harmony with the Convention in the course of the envisaged revision of labour legislation. The Committee takes due note of this promise.

Pending the adoption of a new Labour Code, the Committee must also raise once more the following points, to which the Government had not replied:

(a) The Government has not indicated, in reply to the Committee's observations, what legislative provisions prohibit night work for male workers between 16 and 18 years of age. The legislation available to the Committee (Act No. 91 of 1918, section 9, paragraph 1) does not contain such a prohibition. The Committee urges the Government to take the necessary measures with a view to giving full effect to the Convention without further delay.

(b) Taking into account that the school-leaving age has been raised to 15 years by Act No. 186 of 1960, the Committee notes, however, that apprentices between 17½ and 18 years of age (the last semester of their three-year course) may, under section 2, paragraph 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.¹

Guatemala (ratification: 1952). Further to its previous observation and requests the Committee notes with satisfaction that the Decree of 5 May 1961 has amended section 161 of the Labour Code by defining "night work" as work carried out between 6 p.m. and 6 a.m. (i.e. a period of 12 hours), thus bringing the national legislation into conformity with the provisions of Article 2 of the Convention.

Italy (ratification: 1952). See under Convention No. 77.

Mexico (ratification: 1956). In 1959 the Committee had observed that the Federal Labour Act (sections 68 and 77) prohibits night work by young persons during only ten consecutive hours, whereas the Convention (Article 2, paragraph 1) fixes this

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

period at 12 consecutive hours. The Government indicated in this connection that under article 133 of the Mexican Constitution the Convention acquires force of law, thereby automatically amending the Federal Labour Act, and that ratified Conventions are normally included in publications on labour legislation together with this Act and other relevant provisions. The Government also emphasised that employers and workers refer as a matter of course to this Act to ascertain their rights and obligations.

In response to the Committee's request in 1960 for publications containing the text of the Convention, the Government has now supplied a privately published edition of the Labour Act which has appended to it a summary of certain international labour Conventions ratified by Mexico but fails to contain any reference to Convention No. 90. The Government adds, in its report, that the Mexican Labour Review has initiated the publication of all I.L.O. Conventions whether ratified or not.

While such information may be of interest to the readers of this Review and while a summary of a ratified Convention, appended to the text of the Labour Act, may also be of some interest, the Committee is bound to point out that in the present circumstances reference by the employers and workers to the Federal Labour Act would not in any way enable them to ascertain their rights and obligations under this Convention. The Committee considers that to ensure this essential purpose it would at least be necessary to mention the existence of a night period requirement going beyond the terms of the Federal Labour Act, directly in connection with the relevant provisions of this Act, e.g. by the inclusion of an appropriate footnote.

The Committee ventures to point out, however, that even if such a reference were to be included doubts might continue to exist as to the legislative provisions applicable in the matter, particularly in cases where a recent and complete edition of the Labour Act is not available. The Committee hopes, therefore, that the Government will see its way clear to amend the relevant sections of the Labour Act so as to prohibit specifically the employment of young persons in industry during the 12-hour night period laid down in Article 2 of the Convention.

Netherlands (ratification: 1954). See under Convention No. 89.

Pakistan (ratification: 1951). The Committee regrets to note that the Government has indicated no progress in enacting a Bill designed to amend the Factories Act in order, *inter alia*—

- (a) to extend the night work prohibition to all adolescents (sections 53 and 54 of the Act);
- (b) to repeal the provision authorising the local government to vary the limits of night rest (section 54 (3));
- (c) to provide that registers should be kept in all undertakings in respect of all young persons, showing their dates of birth.

As such action would promote conformity with Article 2, paragraph 2, Article 3, paragraph 1, and Article 6, paragraph 1 (*e*), of the Convention respectively, the Committee trusts that the proposed legislation will be enacted without further delay.

The Committee must also reiterate its previous observation in which it expressed the hope that the Employment of Children Rules, 1955, as well as the Consolidated Mines Rules, 1952, would be brought into conformity with Article 3, paragraph 2, of the Convention (authorising exceptions only in industries or occupations which are required to be carried on continuously and after consultation with the employers' and workers' organisations), and the Mines Rules also with paragraph 3 of this Article (a rest period of at least 13 consecutive hours). As a Government representative had assured the Conference Committee in 1960 that the legislation in question

would be brought into conformity with the Convention as early as possible the Committee trusts that the Government will take the necessary action in the near future.

Philippines (ratification: 1953). The Committee regrets that the Bill designed to bring the Woman and Child Labor Law (Act No. 679) into conformity with the provisions of Article 2 of the Convention (a night rest period of at least 12 consecutive hours) was not approved in 1961, but notes that it will be reintroduced simultaneously in both Houses when the next session of the Fifth Congress is convened. The Committee can only reiterate its hope that this Bill which has been pending since 1958 will be passed without further delay.

Ukraine (ratification: 1956). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with interest the Government's intention, expressed in its two latest reports, to extend to 12 hours, including the interval between 10 o'clock at night and 6 o'clock in the morning, the night period during which the work of young persons under 18 years of age is forbidden (Article 2 of the Convention). The Committee trusts that the Government will soon be able to amend its legislation to this effect, and would be grateful if it would in its next report indicate the progress achieved in this connection.

The Committee would further again request the Government to supply information on the results of inspections carried out in accordance with the laws and regulations in force (Article 6, paragraph 2, of the Convention).

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

As the Government's report again does not contain any new information the Committee must reiterate its observation of 1959 that it is unable to make any general assessment of the effect given to the Convention because no detailed report has been supplied since the Convention was ratified. In 1959 the Committee also drew the Government's attention to a discrepancy between section 1 of the Decree of 28 May 1954 (by virtue of which the period during which night work of young persons was prohibited was 11 hours) and Article 2, paragraph 1, of the Convention (defining "night" as a period of at least 12 consecutive hours).

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: *Argentina, Byelorussia, Dominican Republic, Guatemala, Haiti, Luxembourg, Norway, Philippines, U.S.S.R., Yugoslavia.*

Convention No. 92: Accommodation of Crews (Revised), 1949

Brazil (ratification: 1954). Since the Government has once again failed to answer the request for information addressed to it in 1960 and 1961, the Committee has again formulated a direct request concerning the application of various articles of the Convention. The Committee trusts that the Government will not fail to supply the information in question.

Cuba (ratification: 1952). The Government states, in reply to the observation made in 1960, that the absence of any special legislation in Cuba to give effect to the provisions of the Convention does not necessarily mean that they are not observed. The report adds that, as regards crew accommodation, the authorities competent to enforce observance of sanitary, technical and other requirements are the harbour-masters in each port, who are entitled to inspect all ships and to refuse them authorisation to leave the port. It would seem necessary, however, for the harbour-masters to be able to refer, in the exercise of their inspection duties, to precise, detailed laws or regulations.

Since the Government indicates that as from the present time all bodies concerned with the Cuban Merchant Marine are placed under the authority of the Cuban Maritime Development Office (*Oficina de fomento marítimo cubano*), according to the terms of Act No. 84 dated 17 January 1959, the enactment of legislation to give effect to the numerous technical requirements of Parts II, III and IV of the Convention should be made much easier.

The Committee hopes, therefore, that the Government will not fail, in accordance with Article 3 of the Convention, to take the necessary measures to ensure as soon as possible the application of the provisions of this Convention, which was ratified ten years ago.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Netherlands, Portugal*.

Convention No. 94: Labour Clauses (Public Contracts), 1949

Austria (ratification: 1951). The Committee regrets to note from the Government's reply to the Committee's repeated observations that, due to continued differences of opinion between the Federal Ministry for Commerce and Reconstruction and the bodies representing employers' interests on the one hand, and the Federal Ministry of Social Affairs and the bodies representing workers' interests on the other, measures to provide for the insertion of labour clauses in public contracts have still not been adopted, although the matter has been under discussion since 1955.

As specific action is called for in all ratifying countries to implement the Convention, the Committee is bound to observe that no such action has been taken in Austria for the past ten years. Nor can it any longer accept the Government's repeated explanation that the very long delay involved is due to differences of opinion between the Governmental Departments and other organisations concerned. The Committee must insist therefore that measures be taken, immediately and without further delay, to give effect to the provisions of the Convention, which it is the Government's responsibility to apply by virtue of Austria's ratification in 1951.¹

Bulgaria (ratification: 1955). The Committee regrets the Government's statement, in reply to the observation of 1960, that it has nothing to add to the information supplied in the previous report and that no legislation has been adopted. As the Committee had set out in detail, in this observation, the reasons why specific action is called for in all ratifying countries to implement the Convention, it is now bound to observe that no such action has been taken in Bulgaria.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

In these circumstances the Committee reiterates the above-mentioned explanations in a direct request and appeals to the Government to give effect to the Convention without further delay.¹

Cuba (ratification: 1952). The Committee notes with regret from the information supplied in reply to the observation of 1960 that no provision appears to have been made yet for the inclusion in public contracts of labour clauses "ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on" (Article 2, paragraph 1, of the Convention).

The Committee trusts that measures to apply the Convention will be taken in the near future, as the legislation mentioned in the previous reports (particularly Order No. 73 of 1956, which relates to conditions of work of persons employed by public authorities, and not to labour clauses in contracts by public authorities with independent contractors) does not implement its provisions.

Denmark (ratification: 1955). The Committee noted with interest the discussion which took place in the Conference Committee in 1960 regarding the application of the Convention by Denmark. The Government indicated at that time that the question had been discussed with the employers' and workers' organisations, which had agreed with the Government that no specific measures to give effect to the Convention were necessary because conditions of work were fixed by collective agreements which applied to workers engaged on the execution of public contracts in the same way as to other workers.

During the discussion in the Conference Committee other governments which had ratified the Convention where the situation was similar to that in Denmark indicated the steps they had taken to meet the requirements of this instrument, and pointed out that the insertion of labour clauses provided an additional guarantee where collective agreements did not exist for all workers or did not apply to all workers. The Conference Committee concluded that it was for the government of the ratifying State to decide what terms to insert in its contracts and expressed the hope that practice in Denmark would be brought into conformity with the Convention.

The Committee notes moreover that in a report on the period 1959-60 the Government indicated that the question of inserting labour clauses in public contracts would be taken up for discussion with representatives from the Ministries concerned and from the workers' and employers' organisations. The Committee regrets all the more that the report for 1960-61 has not been received and that no information is thus available on the progress made in these discussions and in the implementation of the Convention.

In these circumstances, the Committee can only reiterate the view it had expressed in its general observations on this Convention in 1956 and 1957, i.e. that a government is not freed from the obligation to insert labour clauses in public contracts in cases where legislation and collective agreements apply to all workers. As emphasised at that time, even in this case specific clauses might have positive advantages, especially where the legislation merely establishes minimum standards which may be exceeded by collective or individual agreements, or where collective agreements are not generally binding. The Committee considers it neither desirable nor practicable to determine in each instance whether or not labour clauses should be inserted in public contracts.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

On the other hand, it believes that a simple reference to the provisions of labour legislation or of collective agreements might suffice in these cases.

The Committee trusts that in view of the considerations reiterated above, the Government will find it possible to give effect to the Convention, as has been done by a number of other countries where difficulties of a similar character had initially been encountered and subsequently been overcome. It hopes that the Government will be able to inform the Conference Committee of the progress made in this direction.

Finland (ratification: 1951). The Committee thanks the Government for its reply to the observation made in 1960 and notes with satisfaction that labour clauses are now required to be inserted in all contracts of public construction, and that consideration is being given to the possibility of including corresponding provisions in contracts for the purchase of goods.

Guatemala (ratification: 1952). The Committee notes with interest from the Government's reply to the direct request of 1960 that draft regulations concerning the insertion of labour clauses in public contracts, which would guarantee adequate protection to the workers concerned, have been drawn up and that it was expected that these would be approved in October 1961.

The Committee hopes that these regulations have been adopted and, if so, would be glad if the Government would supply copies with its next report.

Morocco (ratification: 1958).

Article 4, paragraph (a) (iii) of the Convention. The Committee notes with interest that the Government proposes in reply to the direct request of 1960 to alter clause 4 of article 2 of the Dahir of 18 June 1936 concerning minimum wages, and that the posting, at workplaces, of notices concerning minimum wages will be made compulsory. The Committee hopes that this modification will be introduced shortly.

Philippines (ratification: 1953). The Committee notes with regret from the Government's report in reply to the observation made in 1960 that the terms of labour clauses for incorporation in public contracts are still under consideration. Recalling that the Convention was ratified in 1953, the Committee trusts that the above-mentioned measures will become operative without further delay. In this connection the Committee repeats its previous observation to the effect that account should be taken of the various detailed requirements of the Convention, particularly as regards the definition and scope of public contracts (Article 1, paragraphs 1, 2 and 3) the terms of the clauses (Article 2, paragraphs 1 and 2), the consultation of employers' and workers' organisations (Article 2, paragraph 3) and the measures ensuring the implementation of labour clauses in public contracts (Articles 4 and 5).¹

Uruguay (ratification: 1954). The Committee regrets to note that the report for 1959-61 has not been received. It is bound therefore to repeat its previous observation which was as follows:

... the Committee can only voice its regret that, more than four years after ratifying the Convention, the Government should not be in a position to indicate whether and to what extent labour clauses are included in public contracts. It trusts that the Government will supply full information in accordance with the report form approved by the Governing Body on the measures taken to give effect to the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Bulgaria, Finland, Morocco, Sierra Leone, Somali Republic, Tanganyika, United Arab Republic.*

Convention No. 95: Protection of Wages, 1949

Ecuador (ratification: 1954). The Committee notes with regret that the report contains no new information and that the Government has thus again failed to reply to the direct request which has been addressed to it for the last three years. In these circumstances the Committee can only repeat its previous request, which was as follows:

With respect to Article 14, it appears to the Committee that the Article is effectively applied to homeworkers, to workers covered by minimum wage orders and to transport workers. The Committee considers, however, that the provisions mentioned in the Government's report do not ensure that workers other than those referred to above are informed in an appropriate and easily understandable manner (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed, and (b) at the time of each payment of wages, of the particulars of the wages for the pay period concerned, in so far as such particulars may be subject to change.

The Committee urges the Government to take the measures referred to above in the near future.¹

Greece (ratification: 1955). The Committee notes with interest from the Government's reply to the request of 1960 that consideration is being given to the adoption of measures to give full effect to the requirements of Article 4 of the Convention. As at present it would appear that employers and workers are free in all cases to agree on any form of payment of wages in kind, the Committee would be glad if account could be taken of the points raised in previous direct requests, namely that Article 4 permits only the *partial* payment of wages in kind and that such payments may be made only in so far as authorised by national law and regulations, collective agreement or arbitration awards for industries or occupations in which payment in the form of such allowances is customary or desirable because of the nature of the industry or occupation concerned. The Committee would also be glad if the Government would give consideration to the enactment of an express prohibition of payment of wages in the form of liquor of high alcoholic content or noxious drugs.

The Committee hopes that the necessary legislative amendments will be enacted in the near future.

Philippines (ratification: 1953). The Committee notes from the Government's reply to the Committee's direct requests of 1959 and 1960 concerning the scope of the legislation that, as regards employees of retail and service enterprises employing not more than five persons, standard practice is in conformity with the provisions of Article 5 (direct payment of wages), Article 7, paragraph 2 (control of prices in works stores, etc.), Article 8, paragraph 2 (information to be supplied to workers regarding conditions governing deductions from wages), Article 13 (time and place of wage payments), Article 14 (information regarding wage conditions), and Article 15 (d) (maintenance of wage records) of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

In these circumstances, there should be no difficulty in adopting legislation to apply these provisions of the Convention to the workers concerned and the Committee trusts that the necessary action will be taken in the near future.

Poland (ratification: 1954). The Committee notes the Government's reply to the requests and observations made since 1957.

Article 4, paragraph 1, of the Convention. Certain collective agreements permit the payment of supplements to wages in kind, but in practice partial payment of wages in the form of spirits is not permitted. Further the collective agreement for workers in the alcohol industry permits the payment of such supplements in kind—alcohol—but in conformity with an agreement made between the industry and the trade union concerned, the supplement is paid in money.

As the Convention provides a formal prohibition on the payment of wages in the form of liquor of high alcohol content or noxious drugs, the Committee trusts that this prohibition will be included in the legislation.

Article 6. The Committee notes that the Government's report does not contain any information on this Article which prohibits the employer from limiting the freedom of the worker to dispose of his wages, and would be glad if the Government would supply information on the effect given to this provision.

Article 13. Although the report states that practice conforms to the provisions of paragraph 1 of this Article, it also states that there are no provisions regarding the time and place of payment of wages to workers who are not covered by the Decree of 1928 (except forestry workers). Intellectual workers and state employees also appear not to be covered by these provisions. The Committee notes that, though the Act of 1956 concerning the fight against alcoholism prohibits the sale of alcohol in workplaces in certain circumstances, it does not specifically prohibit the payment of wages in taverns or other similar establishments, as laid down in paragraph 2 of this Article.

The Committee hopes that the Government will take the necessary measures to bring its legislation into conformity with the Convention on these various points.

Tanganyika (ratification: 1962). The Committee notes with satisfaction that the national legislation has been amended to take account of the Committee's comments in 1959 and 1960 regarding Article 2 and Article 13, paragraph 2, of the Convention.

Uruguay (ratification: 1954). As the report for 1959-61 has not been received, the Committee can only repeat its previous observation, which was as follows:

The Committee regrets to note that the Government . . . has not replied to the detailed requests made by the Committee in 1958 and 1959, concerning the application of Articles 2, 4, 5, 6, 8, 10, 12, 13 and 15 of the Convention.

The Committee trusts that the Government will not fail to provide the further particulars which the Committee is now requesting for the fourth time.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Brazil, Bulgaria, Chad, Congo (Brazzaville), Cyprus, Greece, Guatemala, Guinea, Hungary, Ivory Coast, Malagasy Republic, Niger, Nigeria, Philippines, Poland, Senegal, Sierra Leone, Somali Republic, Spain, Tanganyika, Tunisia, Ukraine, United Arab Republic, Upper Volta, Uruguay.*

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1960-62 period.

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

France (ratification: 1949). The Committee notes with regret that the Government has not replied to the direct request made in 1961, but merely repeats its statement in the Conference Committee in 1960 that employment agencies for theatrical employees and for domestic servants are not to be abolished, as was originally intended, because the public employment service is not able at present to deal adequately with these categories of workers.

Following its observations since 1956, the Committee asked the Government to indicate (1) whether the organisations of employers and workers concerned have been consulted concerning these exceptions in conformity with paragraph 1 of Article 5 of the Convention, and (2) whether all the agencies which are authorised to continue to operate are subject to the conditions laid down in paragraph 2 of the same Article. In the absence of a reply, the Committee must assume that no action has been taken to give effect to the Convention in respect of the two above-mentioned categories of workers and must urge the Government to take the necessary measures without further delay.

Federal Republic of Germany (ratification: 1954). The Committee thanks the Government for the detailed information supplied in reply to the request of 1960 and notes with satisfaction that the Ordinance of 23 March 1960, applying the Employment Exchanges and Unemployment Insurance (Fee-Charging Employment Agencies) Act, includes provisions to give effect to Articles 5 and 6 of the Convention.

The Committee also notes with interest that an ordinance on fee-charging agencies not conducted for profit, is in preparation. The Committee would appreciate it if the Government would supply information in its next report on the progress made in this respect.

Guatemala (ratification: 1953). The Committee thanks the Government for the information supplied in reply to the direct request made in 1960 and notes with interest that the Government has requested the technical assistance of the I.L.O. in the field of employment service for the purpose of bringing national legislation and practice into conformity with the Convention.

The Committee trusts that such assistance will permit the eventual abolition of fee-charging employment agencies conducted with a view to profit and that before this stage is reached in respect of all categories of persons, the exceptions authorised under Article 5 of the Convention will be made subject to the conditions laid down in this Article.

The Committee moreover notes the statement in the report that no penal provisions are necessary for violation of the provisions prohibiting fee-charging employment agencies, since as soon as such employment agencies are created they are immediately closed. As Article 8 of the Convention calls for appropriate penalties for any violation of the Convention or of any laws or regulations giving effect to it, the Committee hopes that such penalties will be prescribed in the near future.

The Committee notes finally that regulations intended to bring under government control recruiting agents concerned with work in agriculture and stock raising are under consideration by the Government. The Committee hopes that the regulations will give full effect to the Convention as regards the recruiting of agricultural workers and that the recruiting of other categories of workers will be similarly regulated in due course.

Netherlands (ratification: 1952). The Committee thanks the Government for the information supplied in answer to the request made in 1960. It takes due note of

the fact that the two agencies entrusted with the placing of young girls abroad and not conducted with a view to profit are established according to government authorisation and are subject to conditions determined by legislation, as provided for in Article 6 (c) of the Convention.

Pakistan (ratification: 1952). The Committee regrets that the Government has furnished no information whatever on the adoption of legislation to abolish fee-charging employment agencies although it had indicated its intention to do so both in its previous reports and in the Conference Committee in 1960.

As the Committee pointed out as long ago as 1955, the definition of "fee-charging employment agency" in Article 1, paragraph 1 (a), of the Convention covers also labour contractors, who according to the statement made by a Government representative to the Conference Committee in 1957, were acting as intermediaries for the purposes of procuring employment and received fees for their services.

In these circumstances the Committee must again urge the Government to fulfil in the near future its obligation to abolish fee-charging employment agencies conducted with a view to profit as laid down in the Convention.¹

Turkey (ratification: 1952). The Committee takes note of the Government's reply to the observation made in 1960 that the delay in adoption of the draft Bill to regulate the activities of persons acting as intermediaries in agriculture is due to the dissolution of the Grand National Assembly in 1960.

The Committee notes with interest the Government's statement that it will resubmit the draft Bill to the Grand National Assembly in the very near future. The Committee expresses the hope that it will be possible to regulate fee-charging employment agencies, in accordance with Part III of the Convention at an early date.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Ceylon, Japan, Luxembourg*.

Convention No. 97: Migration for Employment (Revised), 1949

France (ratification: 1954). The Committee notes the Government's reply to the observations made in previous years concerning the grant of maternity allowances without discrimination on grounds of nationality. The Government does not state that this allowance is not a social security benefit; but it now bases its refusal to regard it as such on demographic considerations which "originally" gave rise to its establishment. This reason cannot suffice. The Government adds, however, that the problem will be re-examined in the light of the observations of the Committee of Experts.

The Committee firmly hopes that the study which the Government thus proposes to undertake will result in the early adoption of the measures necessary to bring national legislation into conformity with Article 6 of the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *France, Uruguay*.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Cuba (ratification: 1952). See under Convention No. 87 as regards members of producers' co-operatives and certain public employees.

Poland (ratification: 1957). See under Convention No. 87.

Rumania (ratification: 1958). In 1961, taking note of the first report supplied by the Government, the Committee noted that its brevity prevented appreciation of the extent to which the Convention was applied: the information which it contained related only to Article 4 of the Convention; with regard to the other Articles the only information given was that there could be no discrimination against trade unions in Rumania (Article 1). The Committee therefore addressed directly to the Government certain questions with a view to obtaining additional information. It must note with regret that the Government has supplied in reply a report which merely states that collective agreements have been concluded in all undertakings (Article 4 of the Convention) and apart from this merely expresses the view that "the previous report answers the questions of the Committee of Experts".

The Committee recalls that under article 22 of the I.L.O. Constitution States which have ratified a Convention must make a report on the effect given to it, a report which shall be made "in such form" and which "shall contain such particulars as the Governing Body may request".

In these circumstances, the Committee can only repeat its request and express the hope that the Government's next report will indicate, in conformity with the Report Form approved by the Governing Body, what effect is given to Articles 1 and 3 of the Convention (the Government is asked to attach the relevant texts and supply information on practical application, e.g. judicial or other decisions).¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Bulgaria, Cuba, Ecuador, Ghana, Haiti, Poland, Yugoslavia*.

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Requests relating to certain points are being addressed directly to the following States: *Tunisia, Uruguay*.

Convention No. 100: Equal Remuneration, 1951

Ecuador (ratification: 1957). As neither the report for 1958-59 nor the report for 1959-61 has been received, the Committee finds it necessary to repeat the observations made in 1960 and 1961, which were as follows:

The Committee notes that the Government's first report on this Convention is limited to a statement that its provisions are incorporated in the national Constitution and Labour Code. The Committee hopes that the Government will, in its next report, provide detailed information on the application of the Convention, in law and practice, in accordance with the report form adopted by the Governing Body pursuant to article 22 of the Constitution of the I.L.O.

The Committee trusts that the Government will not fail to supply the information referred to above.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Haiti, Norway, United Arab Republic.*

Convention No. 101: Holidays with Pay (Agriculture), 1952

France (ratification: 1954). See under Convention No. 52.

Federal Republic of Germany (ratification: 1955). Following the direct requests made since 1958, the Committee has taken note of the information supplied by the Government according to which no new provisions appear necessary to give effect to Article 10 of the Convention, since the supervisory system in force appears satisfactory to the Government. However, as already observed in 1960, the Committee considers that the methods of supervision in question, particularly the system of appeal to tribunals and works councils, are not in themselves sufficient to ensure the application of Article 10 of the Convention, which provides for the maintenance of an *adequate system of inspection* and not only of control. The Committee therefore hopes that the Government will re-examine this question with a view to taking the necessary steps to ensure full conformity of the legislation to Article 10 of the Convention.

Tanganyika (ratification: 1962). Following its direct request made in 1960, the Committee has noted with satisfaction that the Government has amended the Employment Ordinance No. 47 dated 10 November 1955 so as to extend the right to annual paid holiday to all workers, whether they are employed by virtue of a written contract or a verbal contract.

United Arab Republic (ratification: 1956). As no information has been supplied in reply to the request made in 1959 and 1960, the Committee repeats its request, which was as follows:

Article 5, paragraph (c), of the Convention. What are the provisions, if any, by which workers receive proper holidays or compensation in lieu thereof, if their period of service is not sufficient to qualify them for holidays?

Article 7, paragraph 3. What are the provisions, if any, regarding the payment, in respect of holidays, of the cash equivalent of remuneration in kind?

Article 11. The Government's report should include a general statement on the manner in which the Convention is applied, including, in particular, data on the number of workers covered (see also Point V of the Report Form).

The Committee hopes that the Government will not fail to supply the information in question.

United Kingdom (ratification: 1956). Following its direct request made in 1960, the Committee notes with satisfaction that a Wages Ordinance dated 31 July 1961 establishes minimum wages for women employed in agriculture in Northern Ireland.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Federal Republic of Germany, Hungary, Italy, Netherlands, Poland, Sierra Leone, Uruguay, Yugoslavia.*

Convention No. 102: Social Security (Minimum Standards), 1952

Requests regarding certain points are being addressed directly to the following States: *Belgium, Italy.*

Convention No. 103: Maternity Protection (Revised), 1952

A request regarding certain points is being addressed directly to the following States: *Cuba, Uruguay.*

Convention No. 105: Abolition of Forced Labour, 1957*General Observation*

The general review made this year by the Committee (see below, Part Three of the report) has made it possible to assess more precisely the nature and scope of certain provisions and practices existing in various countries, and to determine their relationship to the provisions of the Convention. The Committee must once again stress the fact that, for various reasons, this review is of a preliminary nature. In a number of cases where the Convention is already in force, it has proved impossible to assemble all the necessary material, and to translate and examine all the legislative and other texts which sometimes appear liable to be used for the purpose of exacting forced labour in forms prohibited by the Convention. Moreover, as pointed out on several occasions in the above-mentioned general conclusions on the Conventions and Recommendations relating to forced labour, it is frequently necessary to have detailed information on national practice before a view can be formed as to the extent to which effect is given to the Abolition of Forced Labour Convention, 1957 (No. 105).

For all these reasons, the Committee has refrained again this year from making detailed observations on the application of this Convention; it has however addressed direct requests to the governments of various countries in which the Convention is in force and it trusts that these governments will furnish detailed replies in their next reports.

In 1961 the Committee asked the governments of all countries in which the Convention was in force to make a careful examination of all their laws and regulations to satisfy themselves that there were no provisions by virtue of which any form of forced or compulsory labour might be imposed for any of the purposes enumerated in the Convention. In view of the relatively short time allowed to governments for replying, it is perhaps not surprising that the examination in question has so far hardly yielded any results. The Committee must therefore renew its request and, in the light of the more detailed particulars given in the general review, call upon the governments of countries where the Convention is in force to give special consideration, in the said examination, to the legislative texts enumerated below:

- (a) As regards forced labour for political purposes, dealt with in Article 1 (a) of the Convention, it would be appropriate to bear in mind the following texts:
 - legislation respecting martial law and emergencies;
 - legislation respecting the internal and external safety of the State;
 - legislation respecting means of controlling the dissemination of opinions;
 - legislation respecting private and public assemblies and respecting societies;
 - rules governing prison labour.
- (b) As regards forced labour for economic purposes, dealt with in Article 1 (b) of the Convention, it would be appropriate to bear in mind the following texts:
 - legislation respecting cases of *force majeure*;
 - legislation respecting compulsory military service.
- (c) As regards forced labour as a means of labour discipline, dealt with in Article 1 (c) of the Convention, it would be appropriate to bear in mind the following texts:

- legislation respecting conditions of work in certain establishments, undertakings or industries (posts and telecommunications, land transport, air transport, etc.);
 - legislation respecting seamen's conditions of work.
- (d) As regards forced labour as a punishment for having participated in strikes, dealt with in Article 1 (d) of the Convention, it would be appropriate to bear in mind the following texts:
- legislation respecting labour disputes in essential services;
 - legislation applying to seamen in case of labour disputes.
- (e) Finally, as governments will be asked to examine the problem of discrimination in employment in connection with the reports to be considered next year on the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, they should ascertain on this occasion that there is no provision in the national legislation which would, directly or indirectly, permit the exaction of forced labour as a discriminatory measure, contrary to Article 1 (e) of the Convention.

Portugal (ratification: 1959). The Committee notes that the application of this Convention in the overseas provinces of Angola, Guinea and Mozambique was the subject of a complaint by Ghana under article 26 of the Constitution of the International Labour Organisation, that this complaint was referred to a Commission of Inquiry in accordance with the said article 26, and that the Commission's report was presented to the Governing Body of the International Labour Office at its 151st Session (March 1962) and noted by it. The Committee further notes that, at this session of the Governing Body, the parties indicated that they accepted the Commission's findings and recommendations.

The Committee observes that, in paragraph 778 of the above-mentioned report, the Commission appointed under article 26 of the Constitution recommended that Portugal should indicate regularly in reports under article 22 of the Constitution the action taken to give effect to the recommendations made by it. The Committee accordingly requests the Government to supply information in this respect in a report for the period 1961-62.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Chad, Denmark, Dominican Republic, Finland, Israel, Norway, Pakistan, Portugal, Switzerland, Tanganyika, United Kingdom.*

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Requests regarding certain points are being addressed directly to the following States: *Cuba, Guatemala, Haiti, Mexico, Yugoslavia.*

Convention No. 108: Seafarers' Identity Documents, 1958

A request regarding certain points is being addressed directly to *Tunisia.*

¹ The Government is requested to report in detail for the period 1961-62.

Convention No. 111: Discrimination (Employment and Occupation), 1958*General Observation*

For the first time, the Committee had before it reports on this Convention, and it is addressing direct requests for additional information to the governments concerned.

The Committee will be called upon already next year to make a comprehensive review of the effect given to this instrument—which came into force in 1960—on the occasion of the examination of the reports on the Convention and on the complementary Recommendation which the Governing Body has requested under article 19 of the I.L.O. Constitution. The Committee learned with interest in this connection that the Governing Body has asked the Director-General to draw the special attention of all governments to the exceptional importance which the Governing Body attaches to the question of discrimination, and to request that the fullest possible reports be supplied under articles 19 and 22 of the Constitution in respect of all the Members of the Organisation and of all non-metropolitan territories.

The Committee trusts that the data which will become available in response to this appeal will render possible a precise assessment of the effect given to the Convention in the various countries. This assessment would in fact be greatly facilitated if the reports would reply in detail to all the questions included in the forms of report adopted by the Governing Body. As the implementation of the Convention may involve the adoption of both legislative and practical measures, the governments' reports should indicate on the one hand any legislation containing discriminatory elements or prohibiting discrimination and should also specify on the other hand what action has been taken or is contemplated in order to declare and pursue a national policy to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination (Article 2 of the Convention).

* * *

Requests are being addressed directly to the following States: *Israel, Libya, Norway, Portugal, Tunisia, Ukraine.*

Convention No. 112: Minimum Age (Fishermen), 1959

A request regarding certain points is being addressed directly to *Ukraine.*

**Appendix I. Detailed Reports Received and Detailed Reports Not Received
by 27 March 1962**

Reports received: 1,090. Reports not received: 272. Total: 1,362.

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Afghanistan	6	4, 13, 14, 41, 45, 95.	0	—	6
Albania	0	—	8	4, 6, 10, 16, 29, 52, 77, 78.	8
Argentina	29	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 32, 34, 41, 42, 45, 52, 53, 73, 77, 78, 79, 81, 88, 90, 95, 105.	0	—	29
Australia	12	10 *, 12 *, 16, 18 *, 19 *, 22, 29 *, 45 *, 63, 85, 88, 105 *.	1	42.	13
Austria	22	2, 4, 6, 10, 12, 13, 17, 18, 19, 24, 25, 29, 33, 42, 45, 63, 81, 89, 94, 95, 101, 105.	0	—	22
Belgium	29	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 45, 53, 55, 56, 69, 73, 74, 81, 82, 85, 88, 89, 94, 96, 101, 102.	0	—	29
Bolivia	6	5 *, 14 *, 19 *, 26 *, 42 *, 96 *.	0	—	6
Brazil	16	6, 12, 16, 19, 29, 42, 45, 52, 53, 81, 88, 89, 92, 95, 96, 101.	0	—	16
Bulgaria	33	2 *, 4 *, 6 *, 10 *, 12 *, 13 *, 16 *, 17 *, 18 *, 19 *, 22 *, 23 *, 24 *, 25 *, 34 *, 42 *, 43 *, 45 *, 49 *, 52 *, 55 *, 56 *, 69 *, 73 *, 77 *, 78 *, 79 *, 81 *, 87 *, 88 *, 94 *, 95 *, 98 *.	7	11, 20, 29, 44, 53, 62, 68.	40
Burma.	13	2, 4, 6, 16, 17, 18, 19, 22, 29, 41, 42, 52, 87.	0	—	13

* Reports received too late to be summarised in Report III (Part I).

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Byelorussia	0	—	9	10, 16, 29, 52, 77, 78, 79, 87, 90.	9
Cameroun	6	4, 6, 13, 29, 85, 95.	0	—	6
Canada	8	16, 22, 63, 69, 73, 74, 88, 105.	0	—	8
Central African Republic .	0	—	10	4, 6, 13, 29, 33, 41, 84, 85, 87, 95.	10
Ceylon	10	16, 18, 29, 41, 45, 58, 63, 81, 90, 96.	0	—	10
Chad	7	4, 6, 13, 29, 41, 95, 105.	0	—	7
Chile	18	2, 4, 6, 10, 11, 12, 13, 16, 17, 18, 19, 22, 24, 25, 29, 34, 45, 63.	0	—	18
China	6	16, 19, 22, 23, 45, 105.	0	—	6
Colombia	11	2, 4, 12, 16, 17, 18, 19, 22, 23, 24, 25.	1	13.	12
Congo (Brazzaville)	6	4, 6, 13, 29, 41, 95.	0	—	6
Congo (Leopoldville) . . .	6	14, 26, 27, 62, 64, 89.	12	4, 11, 12, 17, 18, 19, 29, 42, 50, 84, 85, 94.	18
Costa Rica	2	29, 105.	3	92, 106, 107.	5
Cuba	0	—	32	4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 45, 52, 63, 77, 78, 79, 81, 87, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 110.	32
Cyprus	9	16, 19, 29, 45, 81, 88, 94, 95, 105.	0	—	9
Czechoslovakia	25	4, 10, 12, 13, 17, 18, 19, 24, 25, 34, 35, 36, 37, 38, 39, 40, 42, 44, 45, 48, 52, 63, 88, 89, 90.	1	29.	26
Dahomey	9	4, 6, 13, 18, 29, 41, 84, 85, 95.	0	—	9
Denmark	12	2, 6, 12, 16, 18, 19, 42, 52, 53, 63, 81, 92.	3	29, 94, 105.	15
Dominican Republic	10	1, 10, 19, 52, 81, 88, 89, 90, 104, 105.	3	29, 45, 79.	13

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Ecuador	5	26, 29, 45, 95, 98.	1	100.	6
Finland	20	2, 12, 13, 16, 17, 18, 19, 22, 29, 42, 45, 52, 53, 63, 73, 81, 92, 94, 96, 105.	0	—	20
France	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 42, 44, 45, 52, 53, 55, 56, 63, 69, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 97, 101.	1	29.	37
Gabon	0	—	10	4, 6, 13, 26, 29, 41, 84, 85, 87, 95.	10
Germany (Federal Republic)	22	2, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 45, 56, 63, 81, 88, 96, 97 *, 101, 105.	0	—	22
Ghana	12	16, 19, 26, 29, 45, 65, 81, 84, 85, 89, 98, 105.	0	—	12
Greece	16	1, 2, 6, 13, 16, 17, 19, 29, 41, 42, 45, 52, 81, 88, 89, 95.	0	—	16
Guatemala	13	77, 78, 79, 81, 87, 88, 89, 90, 94, 95, 96, 105, 106.	0	—	13
Guinea	8	4 *, 6, 13, 18, 29, 41 *, 81, 95.	0	—	8
Haiti	14	12, 17, 19, 24, 25, 29, 42, 77, 78, 81, 90, 105, 106, 107.	0	—	14
Honduras	2	29, 105.	0	—	2
Hungary	21	2, 6, 10, 12, 13, 16, 17, 18, 19, 24, 29, 41, 42, 45, 48, 52, 77, 78, 87, 95, 101.	0	—	21
Iceland	0	—	2	2, 29.	2
India	12	4, 6, 16, 18, 19, 22, 29, 45, 81, 88, 89, 90.	0	—	12
Indonesia	0	—	4	19, 29, 45, 98.	4
Iran	2	104, 105.	1	29.	3
Iraq	11	14 *, 17 *, 18, 19 *, 41, 42, 77, 81, 88, 105 *, 111 *.	0	—	11

* Reports received too late to be summarised in Report III (Part I).

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Ireland	19	2, 6, 10, 12, 16, 19, 22, 23, 29, 42, 44, 45, 63, 69, 74, 81, 89, 92, 105.	0	—	19
Israel	15	10, 19, 29, 52, 77, 78, 79, 81, 88, 90, 94 *, 95, 101, 105, 111.	1	102.	16
Italy	34	2, 4, 6, 10, 12, 13, 16, 18, 19, 22, 23, 29, 42, 44, 45, 48, 52, 53, 55, 59, 60, 69, 73, 77, 78, 79, 81, 88, 89, 90, 94, 95, 96, 101.	0	—	34
Ivory Coast	8	4, 6, 13, 18, 29, 41, 85, 95.	0	—	8
Japan	13	2, 10, 16, 18, 19, 22, 29, 42, 45, 73, 81, 88, 96.	0	—	13
Jordan	1	105.	0	—	1
Liberia	3	53, 55, 58.	3	29, 110, 111.	6
Libya	2	29, 105.	0	—	2
Luxembourg	33	2, 4, 6, 7 *, 8 *, 10, 12, 13, 15 *, 16 *, 17, 18, 19, 21 *, 22 *, 23 *, 24, 25, 27 *, 28 *, 30 *, 42, 45, 59, 60, 77 *, 78 *, 79, 81 *, 88, 90, 96.	4	26, 87, 89, 98.	37
Malagasy Republic	7	4, 6, 13, 29, 41, 87, 95.	0	—	7
Malaya	7	17, 19, 29, 45, 65, 85, 105.	0	—	7
Republic of Mali	1	26.	10	4, 6, 11, 13, 29, 41, 84, 85, 87, 95.	11
Mauritania	0	—	14	4, 5, 6, 11, 13, 14, 18, 26, 29, 33, 41, 85, 87, 95.	14
Mexico	20	12, 13, 16, 17, 19, 23, 29, 32, 34, 42, 45, 52, 53, 55, 63, 90, 95, 105, 106.	2	107, 110.	22
Morocco	16	2 *, 4, 12, 13, 17, 18, 19, 22, 29, 41, 42, 45, 52, 55 *, 81, 94.	0	—	16

* Reports received too late to be summarised in Report III (Part I).

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Netherlands	28	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 69, 73, 74, 81, 87, 88, 89, 90, 92, 94, 95, 96, 101, 105.	0	—	28
New Zealand	20	2, 10, 12, 17, 21, 22, 29, 42, 44, 45, 52, 53, 63, 65, 82, 88, 89, 91, 101, 104.	0	—	20
Nicaragua	0	—	26	1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.	26
Niger	9	4, 6, 13, 18, 29, 41, 85, 87, 95.	0	—	9
Nigeria	9	16, 19, 29, 45, 65, 81, 94, 95, 105.	0	—	9
Norway	23	2, 10, 13, 18, 19, 22, 29, 42, 44, 53, 63, 69, 73, 81, 88, 90, 92, 95, 96, 100, 101, 105, 111.	0	—	23
Pakistan	14	4, 6, 16, 18, 19, 22, 29, 45, 81, 87, 89, 90, 96, 105.	0	—	14
Panama	0	—	10	3, 12, 17, 30, 42, 45, 52, 81, 87, 100.	10
Peru	8	4 *, 10 *, 19 *, 24 *, 25 *, 29 *, 41 *, 45 *.	0	—	8
Philippines	8	17, 23, 87, 88, 89, 90, 94, 95.	0	—	8
Poland	29	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 45, 48, 69, 73, 74, 77, 78, 79, 87, 92, 95, 96, 101, 105.	0	—	29
Portugal	16	4 *, 6, 7, 12, 17, 18, 19, 26, 29, 45, 69, 73, 74, 92, 105, 111.	0	—	16
Rumania	10	2 *, 6 *, 10 *, 13 *, 16 *, 24 *, 29 *, 87 *, 89 *, 98 *.	0	—	10
El Salvador	0	—	3	12, 104, 105.	3

* Reports received too late to be summarised in Report III (Part I).

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Senegal	9	4, 6, 13, 18, 29, 41, 85, 87, 95.	0	—	9
Sierra Leone	13	16, 17, 19, 22, 29, 45, 65, 81, 88, 94, 95, 101, 105.	0	—	13
Somali Republic	0	—	3	29, 65, 85.	3
Former Trust Territory of Somaliland	0	—	6	16, 17, 19, 22, 23, 45.	6
Former British Somaliland	0	—	5	50, 64, 94, 95, 105.	5
Republic of South Africa .	6	2, 19, 42, 45, 63, 89.	0	—	6
Spain	23	1, 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 30, 34, 42, 45, 48, 89, 95.	0	—	23
Sudan	0	—	3	2, 19, 29.	3
Sweden	17	2, 10, 12, 13, 16, 17, 19, 29, 42, 45, 63, 81, 88, 92, 96, 101, 105.	0	—	17
Switzerland	16	2, 6, 8, 15, 16, 18, 19, 23, 29, 44, 45, 63, 81, 88, 89, 105.	0	—	16
Tanganyika ¹	8	29, 65, 81, 88, 94, 95, 101, 105.	0	—	8
Togo	0	—	7	4, 6, 13, 29, 41, 85, 95.	7
Tunisia	16	4, 6, 12, 13, 17, 18, 19, 45, 52, 62, 81, 89, 95, 99, 105, 111.	0	—	16
Turkey	8	2, 42, 45, 58, 81, 88, 96, 105.	0	—	8
Ukraine	5	29, 52, 77, 78, 79.	6	10, 11, 16, 58, 87, 90.	11
U.S.S.R.	9	10, 16, 29, 52, 77, 78, 79, 87, 90.	0	—	9
United Arab Republic. . .	16	2, 19, 29, 41, 45, 52, 53, 63, 81, 87, 88, 89, 94, 95, 101, 104.	8	1, 14, 17, 18, 96, 105, 106, 107.	24
United Kingdom	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	26

¹ Has also submitted reports on Conventions Nos. 16, 17, 19, 45.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United States	3	53, 55, 74.	0	—	3
Upper Volta	8	4, 6, 13, 18, 29, 41, 85, 95.	0	—	8
Uruguay	0	—	47	1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 42, 43, 45, 52, 58, 59, 60, 62, 63, 67, 73, 77, 78, 79, 87, 89, 90, 94, 95, 97, 98, 99, 101, 103.	47
Venezuela	8	2, 6, 13, 19, 22, 29, 41, 45.	0	—	8
Viet-Nam	6	4, 6, 13, 29, 45, 52.	0	—	6
Yugoslavia	18	2, 12, 13, 16, 17, 18, 19, 23, 24, 25, 29 *, 45, 52, 56 *, 81 *, 88 *, 90, 101.	3	22, 48, 89.	21
<i>State not a Member of the I.L.O.</i>					
Western Samoa	17	2, 10, 12, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 82, 88, 89, 101.	2	81, 104.	19

* Reports received too late to be summarised in Report III (Part I).

REPORT OF THE COMMITTEE OF EXPERTS

Appendix II. Statistical Table of Annual Reports on Ratified Conventions

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	%	Number	%	Number	%
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 The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February, in 1932, and 23 July, in 1945; the date limit for the receipt of reports has accordingly varied. ² The Conference did not meet in 1940. ³ First year for which this figure is available. ⁴ As a result of a decision by the Governing Body, detailed reports were requested on only certain ratified Conventions.

II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, paragraphs 6 and 8, of the Constitution)

A. GENERAL OBSERVATIONS

Australia

The Committee regrets to note that only one of the 13 reports due in respect of Norfolk Island has been supplied. It hopes that in future all reports requested will be submitted.

Belgium

The Committee regrets to note that 20 of the 31 reports requested in respect of Ruanda-Urundi have not been supplied, including the report on the Forced Labour Convention, 1930, in respect of which observations have been outstanding for a number of years. The Committee also observes that several reports contain no information in reply to observations (Convention No. 42) or direct requests (Conventions Nos. 89 and 94), which it must accordingly repeat. The Committee trusts that all reports and information requested will be supplied in future.

France

Overseas Departments.

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1961 that the position regarding these territories was being reconsidered and that in any case the information requested by the Committee of Experts would be supplied in future either in the reports for metropolitan France or in separate reports. The Committee observes that in fact information has been supplied in respect of a certain number of Conventions with regard to these territories.

The Committee has also noted that the Government has communicated replies to observations regarding the Overseas Departments and a general note concerning the application of Conventions in French Guiana. Since these were not received until just before or during its meeting, the Committee has had to defer a detailed examination thereof until its next session. It has, however, noted that in certain cases the replies to observations are of a relatively summary nature, and would accordingly be grateful for any further particulars which the Government might be able to supply for its next session. The Committee also hopes that appropriate information in respect of the Overseas Departments will in future be supplied by the date requested for all Conventions on which detailed reports are due.

With regard to French Guiana, the Committee notes the Government's statement that "almost all" metropolitan legislation has been extended to this territory, but that there remain nevertheless "certain deficiencies and gaps due to the state of development and population of French Guiana". The Committee would accordingly consider it desirable if the Government would indicate for this Department—and, in

so far as the situation may be similar, also for the other Overseas Departments—precisely to what extent metropolitan legislation relevant to the application of ratified Conventions may or may not have been extended, and the points in respect of which deficiencies and gaps may still require to be made good.

Netherlands

The Committee regrets that none of the 42 reports requested in respect of Surinam has been supplied. In a number of these cases the Committee had made observations (Conventions Nos. 62 and 87) and direct requests (Conventions Nos. 13, 17, 19, 29, 42, 62, 87, 88, 95 and 96), which it is repeating.

The Committee trusts that the 42 reports in question, including full information on all observations and direct requests, will be available for examination at its next session, and that in future all reports will be supplied by the date requested.

Portugal

See the general observations in Part Two, Chapter I A.

Spain

The Committee must record its disappointment that, notwithstanding the explanations provided by the Conference Committee in 1961 and the hope expressed by it that full information would be supplied, the Government has once again this year failed to supply any of the reports due in respect of the application of Conventions ratified by Spain in its non-metropolitan territories.

The Committee notes the statement made by a Government representative to the Conference Committee in 1961 concerning the status of the territories in question, but notes that no formal written communication concerning this matter has been sent to the Director-General of the International Labour Office. It must accordingly draw the Government's attention once again to the views expressed by it on a number of previous occasions and endorsed by the Conference, when adopting the report of the Committee on the Application of Conventions and Recommendations in 1961—

(a) that, when a member State decides that a non-metropolitan territory should henceforth be an integral part of the national territory, all Conventions previously ratified become *ipso jure* applicable to the territory without modification;

(b) that a written communication should be sent to the Office, to prevent all uncertainty as to the scope of the international obligations existing in respect of ratified Conventions;

(c) that, whatever the status of the territory may be, full information must be supplied in the reports provided for in the I.L.O. Constitution, so that the Committee of Experts and the Conference may determine to what extent ratified Conventions are applied in the territory.

The Committee trusts that the Government will not continue to disregard its obligations in this matter, but will in future supply all necessary information on the application of the Conventions ratified by it in the territories concerned.

United Kingdom

The Committee has noted with satisfaction the Government's decision to set aside its earlier reservations concerning the legal obligations in regard to the making of declarations under article 35 of the Constitution of the I.L.O. in regard to Conventions ratified before 20 April 1948 and to set in train the procedures for the sub-

mission of declarations concerning Conventions ratified by the United Kingdom prior to that date. It has commented on this matter in paragraph 30 of its general report.

The Committee also notes the high percentage of reports supplied (over 96 per cent.) although in respect of two territories an appreciable number of reports were not submitted: Barbados (14 out of 28) and Jamaica (10 out of 26). It also observes that certain reports which were supplied in respect of the latter territory (Conventions Nos. 94 and 105) did not contain replies to the Committee's direct requests, which it must accordingly repeat.

The Committee is also repeating the following requests to which, in the absence of reports, no replies were available: Convention No. 81—Barbados, Jamaica; Convention No. 82—Barbados, Dominica, Grenada, Jamaica, Nyasaland; Convention No. 94—Dominica, Grenada; Convention No. 95—Barbados.

Finally, the Committee notes the statement in the report on Convention No. 85 for the Solomon Islands that legislation concerning labour inspection has been enacted and that it is considered that the Convention may therefore be applied without modification. The Government will no doubt wish to examine the possibility of making a new declaration under article 35 accordingly.

B. INDIVIDUAL OBSERVATIONS

Convention No. 4: Night Work (Women), 1919

France

Algeria.

See Chapter I, under Convention No. 6, *France*.

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter I, under Convention No. 6, *France*.

Convention No. 6: Night Work of Young Persons (Industry), 1919

Denmark

Faroe Islands.

The Committee regrets to note that legislation to prohibit night work for young persons and to give effect to the Convention has not yet been adopted despite the assurances repeatedly given by the Government since 1957. The Committee urges that effect will be given to the Convention without further delay.

France

Algeria.

See Chapter I, under Convention No. 6, *France*.

Overseas Departments (Martinique, Réunion).

See Chapter I, under Convention No. 6, *France*.

French Somaliland.

The Committee notes that the Government does not indicate any progress made in amending the local regulations to bring them into harmony with Article 2, paragraph 2, of the Convention (exceptions from the night work prohibition to be limited

specifically to five categories of industries). The Committee hopes that measures will be taken to ensure full conformity between the legislation and the Convention on this point.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Greenland), *France* (Comoro Islands, New Caledonia, St. Pierre and Miquelon).

Convention No. 11: Right of Association (Agriculture), 1921

Belgium

Ruanda-Urundi.

The Committee notes with satisfaction that Ordinance No. 222/212 of 24 June 1961 has repealed section 3 of the decree of 25 January 1957 and the provisions of the ordinance issued in application thereof which restricted the rights of association of persons engaged under contracts of service.

Convention No. 13: White Lead (Painting), 1921

France

Comoro Islands.

Following its previous requests, the Committee notes with satisfaction that Order No. 14 IT/C dated 17 January 1959 regulates the use of white lead and all compounds containing lead in cases where such use is authorised.

* * *

In addition, requests regarding certain other points are being addressed directly to: *France* (St. Pierre and Miquelon), *Netherlands* (Surinam).

Convention No. 16: Medical Examination of Young Persons (Sea), 1921

A request regarding certain points is being addressed directly to *Denmark* (Greenland).

Convention No. 17: Workmen's Compensation (Accidents), 1925

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

France

Algeria.

See Chapter I, under Convention No. 42, *France*.

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter I, under Convention No. 42, *France*.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Ruanda-Urundi), *Denmark* (Faroe Islands).

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

Requests regarding certain points are being addressed directly to the following States: *Denmark* (Greenland), *Netherlands* (Surinam).

Convention No. 24: Sickness Insurance (Industry), 1927

Requests regarding certain points are being addressed directly to the *United Kingdom* (Guernsey, Jersey).

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929

Netherlands

Surinam.

Since the report for 1959-61 has not been received, the Committee regrets to note that for the fourth time in succession the Government has not replied to its requests bearing on the practical application of the Convention. Consequently, it urges the Government to supply without fail in its next report the information requested under Point V of the report form, and to indicate in particular the number and nature of any contraventions which may have been reported.¹

Convention No. 29: Forced Labour, 1930

Belgium

Ruanda-Urundi.

The Committee notes with satisfaction Ordinance No. 05/232 of 24 June 1961, which has repealed section 1 (1) of Ordinance No. 112/FP of 12 June 1940, which authorised recourse to compulsory portorage.

In 1961 the Committee noted with interest the statement made by a Government representative to the Conference that the cancellation of the modifications subject to which the Convention had been declared applicable was contemplated. It expressed the hope that the cancellation of these modifications would prove possible in the near future.

A Government representative stated to the 1961 Conference that: "an ordinance has just been issued whereby the modifications subject to which the Convention had been made applicable in Ruanda-Urundi have been abrogated."

The Committee greatly regrets to note that these statements have not yet been given effect.

Finally, the Committee notes with regret that, in spite of the specific request which it made in 1961 for a detailed report for 1959-61, the Government has not supplied a report on this Convention. It must therefore once more repeat its request, and asks the Government to take the necessary steps in order that the next report may contain all the information requested.¹

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

*United Kingdom**Bechuanaland.*

The Committee notes that it has not yet been possible to refer draft legislation on forced labour to the Bechuanaland African Council, and hopes that this legislation will be adopted at an early date and that the Government will be in a position to supply full information thereon in its next report.

Fiji.

The Committee notes with satisfaction that Regulation No. 13, which allowed for the exaction of forced labour for personal services to chiefs, has now been repealed.

North Borneo.

The Committee notes with satisfaction that, in response to the comments made by it in a general observation in 1958 and in subsequent direct requests, the Rural Government Ordinance was amended by Ordinance No. 23 of 1959 so as to delete provisions permitting the imposition of various forms of compulsory labour in cases of shortages of food.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Ruanda-Urundi), *Netherlands* (Surinam), *United Kingdom* (Antigua, Bechuanaland, Bermuda, Fiji, Gambia, Grenada, Kenya, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Vincent, Solomon Islands, Swaziland, Uganda).

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter I, under Convention No. 42, *France*.

*Netherlands**Netherlands Antilles.*

The Committee notes with regret that no amendments have yet been made in the national legislation to complete the list of occupational diseases and bring it into conformity with the Convention.

It notes that priority had to be given to the over-all Old-Age Insurance Scheme and that the advice required with regard to the modified Accident Insurance Scheme has been obtained; however, it trusts that the amendments already announced in 1957 will be introduced in the very near future and that the Government will not fail to supply in its next report information concerning the progress achieved to this effect.

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In addition, requests regarding certain points are being addressed directly to the following States: *Belgium* (Ruanda-Urundi), *Netherlands* (Surinam), *Republic of South Africa* (South West Africa).

Convention No. 52: Holidays with Pay, 1936

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

Convention No. 53: Officers' Competency Certificates, 1936

A request regarding certain points is being addressed directly to the *United States* (Trust Territory of the Pacific Islands).

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

A request regarding certain points is being addressed directly to the *United States* (American Samoa).

Convention No. 56: Sickness Insurance (Sea), 1936

Requests regarding certain points are being addressed directly to the *United Kingdom* (Guernsey, Jersey).

Convention No. 62: Safety Provisions (Building), 1937*France*

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter I, under Convention No. 62, *France*.

*Netherlands**Surinam.*

The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee noted with interest that a draft resolution providing for safety regulations for the building industry, in accordance with the Convention, is in an advanced stage of preparation. It looks forward to receiving further information on the progress made in implementing the provisions of the Convention, and in particular Articles 6, 12, 13 and 16 which are not applied, and Articles 1, 2, 3, 7, 8, 9, 10, 14 and 15 which are only partially applied.

In the absence of this information which has been requested since 1958, the Committee must entertain serious doubts as to the degree of application of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Surinam).

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939*United Kingdom**Bechuanaland.*

The Committee has noted that the Government is still examining the possibility of legislative measures to abolish penal sanctions for breach of contract. In this

connection, the Committee draws attention to the repeated assurances given by the Government. It expresses the hope that these measures will be adopted as soon as possible (particularly with a view to repealing the penal sanctions provided for in the Masters and Servants Act (sections 13-18) and in the Native Labour Proclamation, (section 40).

British Guiana.

The Committee has noted with satisfaction the repeal by Ordinance No. 8 of 1960 of section 36 (1) of the Labour Ordinance which provided penal sanctions for breaches of employment contract.

Swaziland.

The Committee has noted with satisfaction that the amendments made to the Masters and Servants Act through Proclamation No. 59/1960, and to the African Labour Proclamation through Proclamation No. 58/1960, have abolished penal sanctions for breach of contract, in accordance with Article 1, paragraph 2, of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Basutoland, Kenya, Mauritius, Northern Rhodesia, Uganda).

Convention No. 69: Certification of Ships' Cooks, 1946

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 81: Labour Inspection, 1947

Netherlands

Netherlands Antilles.

The Committee has noted the Government's statement to the Conference in 1960, in reply to the observation made by the Committee, as well as the written information supplied in this connection. It appears from these various indications that, while there are no legislative provisions giving effect to Article 12, paragraph 1 (c), of the Convention, in practice the inspectors have full power to carry out the various examinations, tests and inquiries provided for under this Article, particularly since the "National Order" of 1959 invests them with the powers of "extraordinary police agents".

In view of the factual situation described above, the Committee considers that the adoption of legislative measures in this field should not involve difficulty and requests the Government to take the necessary measures to ensure that the powers of labour inspectors provided for under Article 12, paragraph 1 (c), of the Convention shall not be subject to any doubt.

Surinam.

The Committee notes with regret that the report for 1959-61 has not been received. This is all the more disappointing because a Government representative had assured the Conference Committee in 1960 that new legislation was being prepared. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes from the Government's reply to the requests of 1958 and 1959 that there exists no special legislation on the functioning of the Labour Inspection and Safety Service, but that the Government will consider introducing legislation to ensure the proper functioning of the Service in accordance with the provisions of the Convention.

The Committee trusts that the contemplated legislation will be adopted in the near future and will give full effect in particular to Articles 6 to 9, 12 and 13 of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

United Kingdom

British Honduras.

Article 12, paragraph 1, subparagraph (b), of the Convention. The Committee notes with interest that section 10 (a) of the Labour Ordinance, 1959, which came into force in 1960, gives full effect to this subparagraph. In these circumstances the Government may wish to consider the possibility of cancelling the modification previously made in respect of this provision of the Convention.

Article 15, paragraph (c). The Committee notes with satisfaction that section 14 (1) (b) of the Labour Ordinance, 1959, requires labour inspectors to treat as absolutely confidential the source of any complaint.

Part II. The Committee notes with interest the Government's statement that labour inspectors now carry out inspections of commercial workplaces and that the system of inspection conforms with the requirements of Articles 3 to 21. In these circumstances the Government may wish to consider the possibility of extending its declaration of acceptance to include Part II of the Convention.

Gibraltar.

The Committee notes with interest from the Government's report that it is intended to accept Part II of the Convention (labour inspection in commerce) but that staff changes have necessitated the recruitment and training of a new Factory Inspector and that in the circumstances acceptance of additional obligations has been deferred. The Committee hopes that the acceptance of Part II will prove possible in due course.

Hong Kong.

The Committee thanks the Government for the information supplied in answer to the direct request made in 1960. It notes with satisfaction that the Factories Ordinance is amended by the addition of a new section 4 (A) which prohibits officials from revealing the source of any complaint (Article 15 (c) of the Convention).

Furthermore, the Committee hopes that the amendment to the Workmen's Compensation Ordinance, 1953, will be introduced shortly, so that occupational diseases will also be covered by this instrument and so that, as the Government indicates, there will be no further obstacle to rendering compulsory the notification of such diseases to the Labour Inspectorate, as provided for under Article 14 of the Convention.

Mauritius.

Article 15 of the Convention. The Committee notes with satisfaction that paragraph 12 of Labour Department Circular Instruction No. 8/61 contains provisions which give full effect to this Article.

Articles 22 to 24. The Committee notes with interest the Government's statement that these Articles are now fully applied and that the provisions which apply Part I of the Convention apply equally to labour inspection in commercial workplaces.

In these circumstances the Government may wish to consider the possibility of extending its declaration of acceptance to include Part II of the Convention.

North Borneo.

The Committee notes with interest from the Government's reply to the direct request made in 1960 that the statistical information required under clauses (d), (e) and (g) of Article 21 has been included in table VIII of the Annual Reports of the Department of Labour for 1959 and 1960. However, as copies of these reports have not been forwarded to the International Labour Office since the Convention was declared applicable to the territory, the Committee ventures to draw the Government's attention to the provisions of Article 20, which lay down that an annual general report on the work of the inspection services should be transmitted to the Office within three months after its publication. It trusts, therefore, that the Government will take steps to ensure that this requirement of the Convention is complied with in the future.

Singapore.

The Committee thanks the Government for its reply to the direct request made in 1960 and notes with satisfaction the terms of the Factories Ordinance 1958, which lays down the powers and duties of labour inspectors, in accordance with Article 12 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Antigua, Barbados, British Guiana, British Honduras, Brunei, Grenada, Jamaica, Kenya, Malta, Mauritius, North Borneo, St. Vincent, Sarawak, Singapore, Southern Rhodesia, Uganda).

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947

Belgium

Ruanda-Urundi.

The Committee thanks the Government for the detailed report supplied in response to its direct requests of 1959 and 1960.

Article 18 of the Convention. The Committee notes with interest that the Royal Decree of 13 January 1959 has laid down regulations of employment which apply equally to all employees of the Administration. It takes, moreover, due note of the Government's statement that the general revision of legislation at present in force will be carried out in the near future to eliminate all remaining elements of discrimination between African and non-African workers.

The Committee reiterates the hope that these measures will secure full compliance with the above Article of the Convention, particularly in regard to the exaction of forced labour and the imposition of penal sanctions for breaches of contracts of employment by legislation applicable to only one section of the population.

United Kingdom

Bermuda.

In reply to the Committee's direct requests of 1959, 1960 and 1961, the Government states that the submission of a Bill to the Legislature fixing the minimum age of employment at 12 years is contemplated and that this Bill will prohibit employment during school hours.

The Committee trusts that this legislation will be enacted shortly so as to ensure full compliance with Article 19, paragraph 2, of the Convention and that a copy of the measures enacted will be supplied in due course.

Mauritius.

Further to its request of 1958, the Committee notes with satisfaction that subsection 4 of section 123 and subsection 3 of section 54 of the Employment and Labour Ordinance as revised by the Amendment Ordinance, 1961, give effect to paragraphs 1 and 5 of Article 15 of the Convention (payment of wages).

Montserrat.

The Committee regrets to note that no legislation has yet been passed to give effect to the provisions of Article 16 of the Convention. It calls the attention of the Government to the obligation assumed under this Article to regulate the maximum amounts and manner of repayment of advances on wages and expresses once more the hope that the next report will contain details of progress made in this respect and will include a copy of the new legislation.

Northern Rhodesia.

Article 18 of the Convention. The Committee notes the Government's statement, in reply to its direct requests of 1959 and 1960, that active consideration is being given to the amendment of the existing Workmen's Compensation Ordinance with a view to achieving a uniform system of workmen's compensation for workers of all races, and to the repeal of sections 74 and 75 of the Employment of Natives Ordinance and the drafting of a comprehensive Employment Bill with a completely non-racial basis. The Committee trusts that the enactment of this legislation will permit compliance with this Article of the Convention.

Southern Rhodesia.

Article 18 of the Convention. The Committee notes with interest that the Public Services Amendment (No. 2) Act, 1960, has removed restrictions on the entry of non-Europeans to the public service. The Committee also notes with interest the Government's statement that, in accordance with its policy of abolishing discrimination between the races in all legislation, the General Employment Bill will repeal the Native Labour Regulations Act. The Committee hopes, therefore, that information will be supplied in future reports on the progress made in the adoption of this legislation and on other measures to remove all remaining elements of racial discrimination among workers.

Swaziland.

Article 18 of the Convention. See under Convention No. 65.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Ruanda-Urundi), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Virgin Islands, Brunei, Dominica, Gambia, Gibraltar, Grenada, Jamaica, Kenya, Mauritius, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Southern Rhodesia, Swaziland, Trinidad and Tobago).

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947*Belgium**Ruanda-Urundi.*

See under Convention No. 11.

*United Kingdom**Hong Kong.*

The Committee has noted with interest that, according to the information supplied in the report, a Bill to amend Ordinance No. 8 of 1948, the drafting of which is in a fairly advanced stage, will if enacted eliminate the possibility of the Registrar's refusing to register a trade union if "he is satisfied that any previously registered trade union adequately represents for that particular trade, the objects of the proposed trade union"; the Bill will also introduce an appeals procedure against refusal to register or cancellation of registration.

The Committee expresses the hope that these amendments, which in accordance with Article 2 of the Convention will contribute to guaranteeing the right of employers and workers to organise, will be adopted without delay.¹

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In addition, a request regarding certain points is being addressed directly to *Belgium* (Ruanda-Urundi).

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947*United Kingdom**Bahamas.*

The Committee noted the statement of a Government representative in the Conference Committee in 1960 that the appointment of an Assistant Labour Officer was approved by the Legislature in May 1960. However, the report for the period 1959-61 does not state whether this officer has taken up his duties.

Furthermore, since the Government has not answered the observation made in 1960, the Committee must inquire once again whether the officers of the Labour Department enjoy all the powers and are subject to all the rules provided for in the Convention.

Lastly, the Committee would be glad if the next report of the Government would contain the information on the working of the labour inspection system, mentioned in the report for 1959-61.

Dominica.

The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to refer to its observation of 1959, repeated in 1960, which was as follows:

... there exists no law or regulation governing the code of conduct of the labour officer who, according to the Government's report, undertakes inspection duties (Article 5 of the Convention), nor would this officer appear to have any powers of inspection except under the Labour Statistics Ordinance and the Labour (Minimum Wage) Act (Article 4, paragraph 2, of the Convention).

The Committee trusts that the Government will find it possible to ensure that the powers and duties of the inspection officer will fully conform to the provisions of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

In view of the delay which has occurred, the Committee can only reiterate the hope that action will be taken without further delay.

Gambia.

Following its previous requests and observation, the Committee has taken note with interest of the information supplied by the Government in its report on Convention No. 81, according to which labour inspection services are set up within the framework of the Labour Department and that qualified officials, in particular an inspector who is at present being trained, have been appointed.

The Committee hopes that these measures constitute a first step towards the full application of the Convention and that the Government will thus be in a position to take the necessary steps to invest labour inspectors with the powers specified in Article 4 of the Convention, since the present legislation does not provide for such powers.

Northern Rhodesia.

The Committee notes with interest from the Government's reply to the direct request made in 1960 that legislation is under consideration to provide progressively in the various ordinances for the confidential treatment of the sources of complaints as provided in Article 5 (c) of the Convention. It hopes that the above-mentioned measures will be adopted at an early date so as to give effect to this basic requirement.

Nyasaland.

For several years, the Committee has been drawing the Government's attention to the discrepancy between section 5, paragraph 2 (b), of the African Employment Ordinance, under which the employer may ask to be present when a worker is interviewed by a labour officer and Article 3 of the Convention which expressly provides that "workers . . . shall be afforded every facility for communicating freely with the inspectors".

The Committee further notes that the Government had informed the Conference Committee in 1960 that this ordinance was under review and that the above-mentioned provision was to be repealed. It regrets that the report for 1959-61 simply repeats the information given to the Conference.

In view of the serious nature of this discrepancy the Committee trusts that the Government will take the necessary measures to eliminate it in the shortest possible time.¹

St. Christopher-Nevis-Anguilla.

The Committee notes from the Government's reply to the observation and direct request made in 1960 that an amending Bill, to give effect to Articles 4 and 5 of the Convention, is with the Crown Law officers and that the Factories Ordinance, 1955, is shortly to be proclaimed. It further notes that the inspection duties under the Employment of Women, Young Persons and Children Act and the Shops Regulation Ordinance, at present performed by the police, will be transferred to officers of the Labour Department after the above Bill becomes law.

The Committee hopes that the above-mentioned measures will be adopted in the near future.

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the period 1961-62.

St. Lucia.

Following its previous requests, the Committee has taken note with interest of the new labour legislation adopted in 1959 and 1960 which deals in particular with the powers and duties of labour inspectors.

Southern Rhodesia.

The Committee has noted the Government's statement in its report that it hopes to be able to present the General Employment Bill to Parliament in 1962, containing a provision to give effect to Article 4, paragraph 2 (c) (iv), of the Convention. Since a similar indication was given by the Government to the Conference in 1958, the Committee hopes that it will be possible to give effect to this provision of the Convention during the current year.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Ruanda-Urundi), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *United Kingdom* (Aden, British Virgin Islands, Malta, Montserrat, St. Helena, St. Lucia, Trinidad and Tobago).

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

*Netherlands**Surinam.*

In 1961, noting that the Government had twice in succession failed to submit a report on the application of the Convention, the Committee requested the Government to supply, in a report covering the period 1 July 1958 to 30 June 1961, the complementary information it had been asking for in vain since 1958. The Committee notes with regret that this report has not been supplied. In view of the importance, from the point of view of freedom of association, of the questions raised, the Committee trusts that the Government will not fail to answer them in its next report. These questions were the following:

- (a) Can appeal be made against the Government's refusal to grant legal personality? If so, to what tribunal? (Please supply references to any relevant legislative texts.)
- (b) What provisions apply to the suspension and dissolution of workers' and employers' organisations?

Convention No. 88: Employment Service, 1948

*Netherlands**Netherlands Antilles.*

The Committee notes with interest from the information supplied in reply to the direct requests, made in 1959 and 1960 that the Government has decided to establish advisory committees, in conformity with Article 4 of the Convention. The Committee trusts that the establishment of such committees will be confirmed in the next report.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (British Guiana, Gibraltar, Kenya, Malta, Mauritius, Singapore, Uganda).

Convention No. 89: Night Work (Women) (Revised), 1948

France

Overseas Departments (Martinique, Réunion).

See Chapter I, under Convention No. 6, *France*.

Netherlands

Netherlands Antilles.

The Committee notes with satisfaction from the reply to its direct requests of 1959 and 1960 that the draft amendment of article 17 (2) of the Labour Regulations, 1952, was approved on 19 September 1961 by the Parliament of the Netherlands Antilles. The Committee would be grateful if the Government would communicate a copy of this amendment with its next report.

Netherlands New Guinea.

The Committee has noted the information supplied by the Government in 1960, in reply to the Committee's observation, indicating that a draft ordinance was being prepared to meet the requirements of the Convention. Since the most recent report contains no new information on this matter the Committee wishes to recall that the ordinance of 17 December 1925 (section 3) prohibits work by women at night during seven hours (from 10 p.m. to 5 a.m.), whereas under Article 2 of the Convention the night period must be not less than 11 consecutive hours.

The Committee urges the Government to eliminate this basic divergency without further delay.¹

Republic of South Africa

South West Africa.

The Committee notes with interest from the reply to the observation of 1960 that the possibility of a suitable amendment to the Mines, Works and Minerals Ordinance of 1954 will be considered when the ordinance comes up for amendment. The Committee hopes that it will thus be possible at an early date to prohibit night work of women in mines (above ground) as required by the Convention.

As there is no progress in adopting legislative provisions prohibiting night work for women in factories employing less than five persons as well as in the building industry, the Committee urges the Government to take the necessary measures without delay to bring the legislation into conformity with Article 1 (scope of application) of the Convention.

It trusts that the next report will indicate the progress made in bringing the legislation into full harmony with the Convention in respect of the above-mentioned points.

* * *

In addition, a request regarding certain other points is being addressed directly to *Belgium* (Ruanda-Urundi).

¹ The Government is asked to supply full particulars to the Conference at its 46th Session and to report in detail for the 1961-62 period.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948*Netherlands**Netherlands Antilles.*

The Committee notes with satisfaction from the reply to its observation of 1961 that the modification in the Labour Regulations, 1952 designed to extend the prohibition of night work by persons under 18 years to dockers and maritime and aviation workers has been approved on 20 September 1961. The Committee would be grateful if the Government would communicate a copy of this amendment.

As regards Article 4, paragraph 2, of the Convention (exceptions in case of emergencies) and Article 5 (suspension of the prohibition of night work when in case of serious emergency the public interest demands it) the Committee expresses once again the hope that the legislation will be amended without further delay to limit such exceptions to young persons between the ages of 16 and 18.

Convention No. 94: Labour Clauses (Public Contracts), 1949*Netherlands**Netherlands Antilles.*

The Committee thanks the Government for the information supplied in answer to the observation and direct request made in 1961.

Article 2 of the Convention. The Committee notes with interest the terms of the letter of 30 September 1959 addressed to the Antilles authorities directing that labour clauses be inserted in public contracts. It further notes that the model contract annexed to the report provides that "wages and conditions of work" of those engaged on public contracts shall be not less favourable than those provided to workers employed in private enterprise, and that provision is made to withhold one-twentieth of the payment from an employer to enable the workers concerned to obtain the wages to which they are entitled.

Article 5, paragraph 1. The specification referred to above does not appear to provide for the application of adequate sanctions for failure to observe the labour clauses on the part of the employers. As such sanctions would be of particular importance to ensure payment of wages at current rates, given the limited extent to which minimum rates have been fixed, the Committee would be glad if the Government would consider taking appropriate measures to give effect to this requirement of the Convention.

Referring to the requests made in 1959 and 1961, the Committee regrets to note that the Government has still not supplied information on the measures taken to give effect to Article 1, paragraphs 2 and 3, of the Convention (regarding contracts by authorities other than the central authorities and the obligations of subcontractors and assignees) and Article 2, paragraphs 3 and 4 (regarding the consultation of employers' and workers' organisations on the terms of labour clauses and measures to bring the clauses to the notice of persons tendering for public contracts). The Committee trusts that the Government will not fail to provide the above-mentioned information.

Surinam.

The Committee notes with regret that the report for 1959-61 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with interest that, in the light of the observations made by it in previous years, the Government intends to introduce regulations to give effect to the Convention. The Committee hopes that these regulations will be issued at an early date.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

United Kingdom

St. Lucia.

The Committee notes with satisfaction that the Labour Clauses (Public Contracts) Ordinance, 1959, was enacted to give effect to the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Ruanda-Urundi), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Gilbert and Ellice Islands, Grenada, Jamaica, Kenya, Mauritius, North Borneo, St. Lucia, St. Vincent, Sarawak, Solomon Islands, Trinidad and Tobago, Uganda, Zanzibar).

Convention No. 95: Protection of Wages, 1949

Netherlands

Netherlands New Guinea.

The Committee regrets to note that the Government's report for 1959-61 fails to indicate that any measures have been taken to amend the Civil Code of the former Dutch East Indies to ensure the application of the Convention to all categories of workers. The Government stated in its reports for 1957-59 that the provisions of the Seventh Title A, in so far as they relate to the provisions of Convention No. 95, would have to be made applicable "to all categories of workers, irrespective of the work they perform", and that the legislation would also contain a specific provision to apply Article 13, paragraph 2, of the Convention (prohibition of payment of wages in taverns, etc.).

The Committee trusts that the necessary amendments will be enacted without further delay.

United Kingdom

British Honduras.

The Committee thanks the Government for its detailed report in reply to the direct request made in 1960 and notes with satisfaction that the Labour Ordinance 1959, which came into force in 1960, gives effect, *inter alia*, to Articles 5, 8 (paragraph 2) and 15 (d), of the Convention.

Grenada.

The Committee notes with interest from the reply to the direct request made in 1961 that the Government has recommended the enactment of general legislation concerning the protection of wages and that the new ordinance will 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 (b), (c) and (d), of the Convention. In this connection, the Government might also wish to consider giving legislative effect as suggested by the Committee to Article 4,

paragraph 2, of the Convention, which provides that allowances in kind must be appropriate for the personal use and benefit of the worker and that the value attributed to such allowances be fair and reasonable.

The Committee also notes that consideration is being given to the repeal of section 13 (2) (3) of Ordinance No. 4 of 1951, which is not in conformity with Article 4 of the Convention.

The Committee hopes that the above-mentioned measures will be adopted at an early date and would be glad if the Government's next report would provide full information on the progress made in this matter, including copies of any legislation enacted.

Mauritius.

The Committee notes with satisfaction from the Government's reply to the direct request made in 1960, that the Employment and Labour Ordinance as amended in 1961 ensures full application of Articles 4 and 13 of the Convention.

Solomon Islands.

The Committee notes with interest the Government's statement that the new Labour Regulation, 1960, makes unnecessary the modifications set out in the original declaration of application as regards several Articles of the Convention.

In these circumstances the Government may wish to give consideration to cancelling these modifications.

Zanzibar.

The Committee notes with satisfaction from the Government's reply to the direct request made in 1961 that the Labour Decree, 1946 has been further amended to give effect to Articles 2, 5, 6, 9 and 13 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Surinam), *United Kingdom* (Aden, Bahamas, Barbados, British Guiana, British Honduras, Brunei, Dominica, Gibraltar, Jersey, Malta, Mauritius, North Borneo, St. Lucia, St. Vincent, Sarawak, Solomon Islands, Trinidad and Tobago, Uganda, Zanzibar).

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 97: Migration for Employment (Revised), 1949

Requests regarding certain points are being addressed directly to the *United Kingdom* (British Guiana, British Virgin Islands).

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Requests are being addressed directly to the *United Kingdom* (Malta, Singapore).

Convention No. 101: Holidays with Pay (Agriculture), 1952

Requests regarding certain points are being addressed directly to the *United Kingdom* (British Honduras, Isle of Man, St. Lucia, St. Vincent, Singapore).

Convention No. 102: Social Security (Minimum Standards), 1952

A request regarding certain points is being addressed directly to the *United Kingdom* (Isle of Man).

Convention No. 105: Abolition of Forced Labour, 1957

See General Observation in Part Two, Chapter I B, under Convention No. 105.

*United Kingdom**Hong Kong.*

Following its examination of the Government's first report, the Committee observed in a direct request in 1961 that, by virtue of the Compulsory Service Ordinance, 1951 and the Essential Services Corps Ordinance (Cap. 197), both men and women might be called up to perform a wide range of services, and requested information on the measures taken or contemplated to ensure that, in accordance with Article 1 (b) of the Convention, no use was made of any form of forced or compulsory labour as a method of mobilising and using labour for purposes of economic development.

The Committee notes with satisfaction that, by virtue of Ordinance No. 22 of 22 June 1961 and Proclamation No. 4 of 3 August 1961, the operation of the Compulsory Service Ordinance has been suspended and that membership of the Essential Services Corps is now based on voluntary enrolment.

* * *

In addition, requests regarding certain points are being addressed directly to the *United Kingdom* (Antigua, Bahamas, Basutoland, Bermuda, British Virgin Islands, Brunei, Dominica, Grenada, Guernsey, Hong Kong, Jersey, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Singapore, Swaziland, Trinidad and Tobago).

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Requests regarding certain other points are being addressed directly to *Denmark* (Faroe Islands, Greenland).

**Appendix. Detailed Reports Received and Detailed Reports Not Received
by 27 March 1962**

(Non-Metropolitan Territories)

Reports expected: 1,939. Reports received: 1,551. Reports not received: 388.

The numbers of Conventions in respect of which declarations of application without modification or declarations of application with modifications had been registered by 30 June 1961 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.

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Australia	40		12		
Nauru	13	10, 12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105.	0	—	4
New Guinea	13	10, 12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105.	0	—	1,376
Norfolk Island	1	10.	12	12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105.	1
Papua	13	10, 12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105.	0	—	480
Belgium	11		20		
Ruanda-Urundi ²	11	11, 12, 17, 18, 19, 42, 82, 84, 85, 89, 94.	20	2, 6, 10, 13, 16, 22, 23, 29, 45, 53, 55, 56, 69, 73, 74, 81, 88, 96, 101, 102.	4,780
Denmark	31		0		
Faroe Islands.	16	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 92, 94, 103, 106.	0	—	34
Greenland	15	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 92, 94, 105.	0	—	30
France ³	278		183		
Overseas Departments: French Guiana	35	2 *, 5 *, 6 *, 10 *, 11 *, 13 *, 14 *, 17, 18, 19, 24, 27 *, 29 *, 33 *, 42, 44 *, 45 *, 49 *, 52 *, 55, 62 *, 77 *, 78 *, 81 *, 84 *, 85 *, 87 *, 88 *, 89 *, 94 *, 95 *, 96 *, 97 *, 98 *, 101 *.	20	8, 9, 12, 15, 16, 22, 23, 36, 38, 43, 53, 56, 58, 63, 68, 69, 73, 74, 82, 92.	31

For footnotes see end of table.

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
France (cont.)					
Overseas Depts. (cont.)					
Guadeloupe	37	2*, 5*, 6*, 10*, 11*, 12*, 13*, 14*, 17, 18*, 19, 24, 27*, 29*, 33*, 42*, 44*, 45*, 49*, 52*, 55, 62*, 77*, 78*, 81*, 82*, 84*, 85*, 87*, 88*, 89*, 94*, 95*, 96*, 97*, 98*, 101*.	18	8, 9, 15, 16, 22, 23, 36, 38, 43, 53, 56, 58, 63, 68, 69, 73, 74, 92.	274
Martinique	11	6*, 10, 17, 18, 19, 24, 42, 55, 62*, 81*, 89*.	44	2, 5, 8, 9, 11, 12, 13, 14, 15, 16, 22, 23, 27, 29, 33, 36, 38, 43, 44, 45, 49, 52, 53, 56, 58, 63, 68, 69, 73, 74, 77, 78, 82, 84, 85, 87, 88, 92, 94, 95, 96, 97, 98, 101.	271
Reunion	11	— ditto —	43	2, 5, 8, 9, 11, 12, 13, 14, 15, 16, 22, 23, 29, 33, 36, 38, 43, 44, 45, 49, 52, 53, 56, 58, 63, 68, 69, 73, 74, 77, 78, 82, 84, 85, 87, 88, 92, 94, 95, 96, 97, 98, 101.	324
Algeria	4	17, 18, 19, 42.	58	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23, 24, 26, 27, 29, 33, 35, 36, 37, 38, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 68, 69, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101.	10,930
Overseas Territories:					
Comoro Islands	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101.	0	—	185

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Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
France (<i>cont.</i>)					
Overseas Territories (<i>cont.</i>)					
French Polynesia . . .	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101.	0	—	80
French Somaliland . .	36	— ditto —	0	—	70
New Caledonia . . .	36	— ditto —	0	—	70
St. Pierre and Miquelon	36	— ditto —	0	—	5
Netherlands	54		42		
Netherlands Antilles . .	27	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 69, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105.	0	—	195
Netherlands New Guinea	27	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 69, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105.	0	—	700
Surinam	0	—	42	2, 5, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 33, 42, 45, 48, 58, 62, 63, 68, 69, 73, 74, 81, 87, 88, 89, 90, 92, 94, 95, 96, 97, 99, 101, 105.	255
New Zealand	22		16		
Cook Islands and Niue . .	18	2, 10, 12, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 82, 88, 89, 101, 104.	1	81.	23
Tokelau Islands	4	29, 65, 82, 104.	15	2, 10, 12, 17, 22, 42, 44, 45, 52, 53, 63, 81, 88, 89, 101.	2
Spain	0		74		
Spanish Guinea	0	—	37	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 34, 42, 45, 48, 62, 89, 95.	216

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Popula- tion ¹ (thous- ands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Spain (<i>cont.</i>)					
Spanish West Africa . . .	0	—	37	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 34, 42, 45, 48, 62, 89, 95.	145
Republic of South Africa .	6		0		
South West Africa . . .	6	2, 19, 42, 45, 63, 89.	0	—	554
United Kingdom	1,091		41		
Aden	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	810
Antigua ⁴	28	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 87 *, 88, 92, 94, 95, 97 *, 98 *, 101, 105.	0	—	58
Bahamas	28	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85 *, 87, 88, 92, 94, 95, 98, 101, 105.	1	97.	103
Barbados ⁴	14	12 *, 16 *, 19 *, 22 *, 29 *, 65 *, 69, 74, 87 *, 92, 94 *, 97 *, 98 *, 105 *.	14	2, 17, 24, 25, 42, 44, 45, 56, 63, 81, 82, 88, 95, 101.	238
Basutoland ²	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	674
Bechuanaland ²	26	2, 12, 16, 17, 19, 22, 24, 25, 29 *, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	337
Bermuda	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	44
British Guiana	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 97, 101, 105.	0	—	549

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Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
British Honduras	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 97, 101, 105.	0	—	90
British Virgin Islands	27	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 97, 101, 105.	0	—	30
Brunei	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105.	0	—	83
Dominica ⁴	23	2 *, 12 *, 16 *, 17 *, 19 *, 22 *, 24 *, 25 *, 29 *, 42 *, 44 *, 45 *, 56 *, 63 *, 65 *, 69, 74, 81 *, 88 *, 92, 95 *, 101 *, 105 *.	4	82, 85, 94, 97.	66
Falkland Islands	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	2
Fiji	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 95, 101.	1	94.	38
Gambia	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	301
Gibraltar	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105.	0	—	26
Gilbert and Ellice Islands.	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	45
Grenada ⁴	23	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 92, 95, 97, 101, 105.	3	82, 88, 94.	92
Guernsey	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105.	0	—	46

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
Hong Kong	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 84, 88, 92, 94, 95, 101, 105.	0	—	2,857
Jamaica ⁴	16	12 *, 16 *, 19 *, 22 *, 24 *, 25 *, 29 *, 44 *, 45 *, 56 *, 65 *, 69, 74, 92, 94 *, 105 *.	10	2, 17, 42, 63, 81, 82, 88, 95, 97, 101.	1,671
Jersey	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105.	0	—	57
Kenya	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105.	1	98.	6,450
Malta	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 98, 101, 105.	0	—	325
Isle of Man	27	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 68, 69, 74, 81, 82, 88, 92, 94, 95, 101, 102, 105.	0	—	54
Mauritius	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105.	0	—	621
Montserrat ⁴	29	2 *, 12 *, 16 *, 17 *, 19 *, 22 *, 24 *, 25 *, 29 *, 42 *, 44 *, 45 *, 56 *, 63 *, 65 *, 69, 74, 81 *, 82 *, 85 *, 87 *, 88 *, 92, 94 *, 95, 97 *, 98 *, 101 *, 105 *.	0	—	15
North Borneo	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105.	0	—	419
Northern Rhodesia ^{2 5}	27	2, 12, 16, 17, 19, 22, 24, 25, 29, 42 *, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 97, 101, 105 *.	0	—	2,360
Nyasaland ^{2 5}	24	2, 12, 16, 17, 19, 22, 24, 25, 29 *, 42, 44, 45, 56, 63, 65, 69, 74, 81, 85, 88, 92, 95, 97, 101.	3	82, 94, 105.	2,770

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
St. Christopher-Nevis-Anguilla ⁴	27	2 *, 12 *, 16 *, 17 *, 19 *, 22 *, 24 *, 25 *, 29 *, 42 *, 44 *, 45 *, 56 *, 63 *, 65 *, 69 *, 74, 81 *, 82 *, 85 *, 87 *, 88 *, 92, 94 *, 95 *, 98 *, 105 *.	2	97, 101.	59
St. Helena	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	5
St. Lucia ⁴	27	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 97, 101, 105.	0	—	93
St. Vincent ⁴	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88 *, 92, 94 *, 95, 101, 105.	1	97.	83
Sarawak	25	2, 12, 16, 17, 19, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	688
Seychelles	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85 *, 88, 92, 94, 95, 101, 105.	0	—	43
Singapore	28	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 87, 88, 92, 94, 95, 97, 98, 101, 105.	0	—	1,580
Solomon Islands	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	115
Southern Rhodesia ^{2 5}	25	2, 12, 16, 17, 19, 22, 24, 25, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 97, 101, 105 *.	1	29.	2,770
Swaziland	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	250

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
Trinidad and Tobago ⁴	27	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 97, 101, 105.	0	—	817
Uganda ²	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105.	0	—	6,517
Zanzibar	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105.	0	—	304
United States of America	18		0		
American Samoa	3	53, 55, 74.	0	—	20
Guam	3	53, 55, 74.	0	—	69
Panama Canal Zone ⁶	3	53, 55, 74.	0	—	42
Puerto Rico	3	53, 55, 74.	0	—	2,347
Trust Territory of Pacific Islands	3	53, 55, 74.	0	—	73
Virgin Islands	3	53, 55, 74.	0	—	30

¹ Reports received too late to be summarised in Report III (Part I). ² Source : United Nations: *Demographic Year-Book, 1960*. ³ Territories having no seaboard. ⁴ Reports on Convention No. 89 also include Convention No. 4 (applicable). ⁵ Federation of the West Indies. ⁶ Federation of Rhodesia and Nyasaland. ⁷ In reporting on the application of Conventions to the Panama Canal Zone, the United States Government has pointed out that the Panama Canal Zone is not a territory of the United States, although by treaty between the United States and the Republic of Panama the United States has all the rights, power and authority within the Zone which the United States would possess and exercise if it were the sovereign of the territory.

III. Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)

Afghanistan

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1961 that the Government would submit to the competent authorities all Conventions and Recommendations, whatever might be its intention with regard to these instruments. It hopes that the Government will be able to indicate in the near future the measures to be taken to this effect as regards the instruments adopted at the 41st, 42nd, 43rd and 44th Sessions and also as regards Recommendation No. 98 (37th Session) and that it will furnish all the information requested in the *Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities*, adopted by the Governing Body.

Albania

As the Government has not supplied any new information the Committee feels bound to repeat the observation which it made in 1960 and again in 1961 in the following terms:

... The Committee noted that the Praesidium of the People's Assembly, to which Conventions and Recommendations are submitted, reports to the People's Assembly on the activities which it has carried out between the sessions of the Assembly, particularly as regards the international field, and that the People's Assembly is thus ultimately informed. The Committee once again expresses the hope that the Government will indicate whether, in conformity with this procedure, all the Conventions and Recommendations, as well as the decisions adopted in regard to them by the Praesidium, are ultimately submitted to the People's Assembly, which constitutes the most representative legislative body provided for under the national Constitution.

Bolivia

The Committee notes that the Government has supplied certain information on the instruments adopted at the 44th Session, from which it would appear that these instruments have not yet been submitted to the competent authorities. It is furthermore bound to express its regret that no information has been received as regards the measures which the Government intends to take to submit to the competent authorities all the other Conventions and Recommendations adopted by the Conference since the 31st Session (with the exception of Convention No. 96), in spite of the observations which have been made on several occasions. The Committee trusts that the Government will make all efforts to implement the obligations which bind all member States in virtue of article 19 of the Constitution of the I.L.O.

Bulgaria

With reference to the observation made in 1961, the Committee notes the statements made by a Government representative to the Conference Committee concerning the respective functions of the Praesidium of the National Assembly, particularly in regard to the examination of Conventions and Recommendations, and of

the National Assembly itself. It notes with interest that according to these statements the National Assembly is the supreme body and that it can examine a Convention and decide to ratify it even if the Praesidium disagrees. The Committee understands therefore that the instruments in question and the decisions of the Praesidium concerning them are in practice laid before the National Assembly, which may reconsider the question. It hopes therefore that the Government will supply information on the measures thus taken as well as information on the examination of Conventions and Recommendations by the Praesidium.

Byelorussia

Referring to the statement made by a Government representative to the Conference Committee in 1961, the Committee wishes to point out that in providing for the submission of each Convention or Recommendation "to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action", and for the supply of information on "the action taken by them", article 19 of the Constitution of the I.L.O. clearly refers to the legislative authority or authorities with the power of final decision, as provided for by the Constitution of each country.

Moreover, as in particular the Conference Committee has pointed out on several occasions, the obligation contained in article 19 is also intended to inform public opinion and this objective cannot be considered as fully satisfied if the Conventions and Recommendations are not submitted to the most representative body provided for by the Constitution of each country.

The Committee hopes that the Government will supply further information on the submission of Conventions and Recommendations for examination in the Praesidium of the Supreme Soviet indicating the measures taken to bring these instruments before the Supreme Soviet itself, which constitutes, under the national Constitution, the supreme state body invested with legislative power.

Canada

The Committee regrets to note that the Government has not given effect to the requests which have been addressed to it on several occasions, that the submission of Conventions and Recommendations to Parliament should be accompanied by proposals or comments of the Government on the effect to be given to these instruments. It would point out that in providing for submission of each Convention and Recommendation to the competent authorities "for the enactment of legislation or other action" and to supply information on "the action taken by them", article 19 of the Constitution of the I.L.O. implies that the competent authorities should be able to decide whether or not it is necessary to take the measures in question; this condition cannot be implemented if the Government merely lays before Parliament the texts of Conventions and Recommendations without accompanying them with comments or proposals. As this principle has been reiterated on several occasions by the Committee, by the Governing Body and by the Conference, the Committee hopes that the Government will find it possible to present appropriate proposals or comments to Parliament.

China

The Committee notes with interest the information supplied by the Government to the Conference Committee in 1961, that several Conventions adopted since the

31st Session (of which certain will probably be ratified) are either in course of examination before the Executive Council or in course of study at the Ministry of the Interior. It would be glad if the Government would indicate whether these Conventions have been finally submitted to the Legislative Council. It would draw attention to the fact that Conventions must be submitted to the competent authorities *in all cases* and not only when ratification is proposed. It hopes that the Government will indicate in the near future the measures taken to submit also to the Legislative Council the various other instruments adopted since the 31st Session which are mentioned in the last column of the table in Appendix I to the present chapter.

Colombia

The Committee notes with satisfaction the information supplied by the Government following the observations made in previous years, concerning the submission to Congress of the Conventions and Recommendations adopted since the 38th Session, with the documents containing the comments and proposals of the Government on the measures envisaged as regards these instruments.

Cuba

The Committee notes with regret that the information supplied by the Government to the Conference Committee in 1960 did not indicate any progress as regards the submission to the competent authorities of the various Conventions and Recommendations referred to in previous observations, as also of the instruments adopted at the 44th Session. It would point out that the obligation of submission called for under article 19 of the Constitution of the I.L.O. not only is required in the case of Conventions which can be ratified but is applicable to *all Conventions and to Recommendations*.

The Committee addresses an urgent appeal to the Government to take the necessary measures to implement in this respect its obligations arising from article 19 and hopes that it will be able to supply in the near future all the information requested in the *Memorandum* on this subject adopted by the Governing Body.

Czechoslovakia

The Committee takes note of the statements made by a Government representative to the Conference Committee of 1961, that Conventions and Recommendations would be submitted to the Praesidium of the National Assembly which exercised the functions of the National Assembly when the Assembly was not in session. It also takes note of the provisions of the new Czechoslovak Constitution of 1960 (particularly articles 2, 39 and 60). The Committee would point out that in providing for the submission of each Convention or Recommendation "to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action", and in providing for the communication of information on "the action taken by them", article 19 of the Constitution of the I.L.O. clearly refers to the legislative authority or authorities having final power of decision, as provided for under the Constitution of each country. Moreover, as the Conference Committee, in particular, has pointed out on several occasions the obligation provided for in article 19 is also intended to inform public opinion, and this objective cannot be considered as fully satisfied if the Conventions and Recommendations are not submitted to the most representative body provided for under the Constitution of each country.

The Committee accordingly hopes that the Government will indicate the measures which have been taken or are contemplated to bring Conventions and Recommendations also before the National Assembly, which constitutes, under the national Constitution, the supreme state body invested with legislative power.

Finally, the Committee hopes that the Government will indicate whether the following instruments have been submitted to the competent authorities: Recommendation No. 87 (32nd Session), Recommendation No. 88 (33rd Session), Convention No. 99 and Recommendations Nos. 89, 91 and 92 (34th Session), and all the Conventions and Recommendations adopted at the 35th, 36th, 39th, 40th, 41st, 42nd, 43rd and 44th Sessions, supplying, in this respect, the information requested in the *Memorandum* adopted by the Governing Body.

Ecuador

The Committee noted in 1961 that the Conventions and Recommendations were still being examined with a view to the discharge of the obligations arising under the Constitution of the I.L.O. as regards the submission of the Conventions and Recommendations to the competent authorities, and that certain Conventions had been submitted to Congress for ratification. The information supplied since then does not indicate any progress and the Committee is bound to urge the Government to take the necessary measures to submit to the competent authorities all the instruments mentioned in the last column of the table in Appendix I to the present chapter and to supply the information on this subject called for in the *Memorandum* adopted by the Governing Body. It would point out once more that the instruments in question must be submitted *in all cases*; this does not imply that Conventions must be ratified or that the Recommendations must be incorporated in national legislation.

Ethiopia

The Committee regrets to note that the Government has not supplied any information in reply to the observation made in 1961, which was in the following terms:

The Committee notes the statement made by the Government representative to the Conference Committee in 1960, according to which the Government hopes to be able to ratify a certain number of Conventions in the near future. The Committee wishes to remind the Government that article 19 of the Constitution of the I.L.O. imposes the obligation to submit the instruments adopted by the Conference to the competent authorities of each member State, not only when it is proposed to ratify Conventions, but *in all cases*, whatever be the intention of the Government as regards ratification of Conventions or the measures to give effect to Recommendations. The Committee therefore urges the Government once more to take the necessary measures and to supply full information on the submission to the competent authorities of all the Conventions and Recommendations adopted since the 31st Session.

The Committee trusts that the Government will be able to take the measures and furnish the above-mentioned information without delay.

Greece

The Committee notes the statement of a Government representative to the Conference Committee in 1961, from which it appears that a tripartite committee has been formed at the Ministry of Labour to study the possibilities of ratification of Conventions; it also notes the information given as regards the prospects of ratification of certain Conventions.

The Committee would point out that Conventions, as also Recommendations, must be submitted to the competent authorities *in all cases* and not only when it is

proposed to ratify Conventions or to give effect to Recommendations. In this respect it notes that certain difficulties have been encountered from the fact that as a rule the Government can only submit Bills to Parliament; it trusts that these difficulties will be overcome, as in other countries where similar problems have arisen, and it regrets that in spite of the indication given by the Government to the Conference in 1960 that a solution was in sight, no progress has yet been made in this respect. It expresses the hope that the Government will indicate in the near future the measures which have been taken to submit to the competent authorities all the instruments mentioned in the last column of the table in Appendix I to the present chapter.

Guatemala

The Committee notes that the Convention and the Recommendations adopted at the 44th Session have been transmitted to the administrative services concerned for examination. It would draw the Government's attention to the fact that, in virtue of article 19 of the Constitution of the I.L.O., Conventions and Recommendations must be submitted to the authorities competent to legislate in the fields with which these instruments deal. The Committee hopes that the Government will indicate whether the above-mentioned instruments have been submitted to the competent legislative body.

The Committee also notes with interest that decrees have been adopted with a view to ratifying a certain number of Conventions. It recalls in this respect the statement made by a Government representative to the Conference Committee in 1960, that the Government would in future, in accordance with article 19, submit to Congress *all* Conventions and Recommendations, and not only Conventions whose ratification was proposed. The Committee hopes therefore that the Government will be able to indicate in the near future the measures taken to submit to Congress the various instruments mentioned in the last column of the table in Appendix I to the present chapter.

Haiti

The Committee notes with interest that the instruments adopted at the 44th Session have been submitted to Parliament. It must, however, express regret that no information has yet been supplied on the submission of the various instruments adopted from the 31st to the 39th Sessions, which are listed in the last column of the table in Appendix I to the present chapter. The Committee emphasises once more the obligation of each State Member of the I.L.O. to submit all Conventions and Recommendations to the competent authorities, and it trusts that the Government will take without further delay the measures necessary to discharge this obligation in regard to the above-mentioned instruments.

Hungary

Referring to the observation made in 1961, the Committee notes that, according to the statement made by a Government representative to the Conference Committee, Conventions and Recommendations are submitted for examination by the Presidential Council, which is competent to legislate and to take other measures when the National Assembly is not sitting and that the Presidential Council regularly reports on its activities to the National Assembly which is free to initiate measures and to propose the ratification of the Convention even if the Presidential Council is opposed to this. The Committee accordingly understands that the instruments in question and the examination made by the Presidential Council are in practice the object of a report to

the National Assembly. It hopes therefore that the Government will communicate information on the measures thus taken and also information relative to the examination of Conventions and Recommendations by the Presidential Council.

Indonesia

The Committee takes note of the information concerning the submission to the competent authorities of the instruments adopted at the 44th Session, and of the statement made by the Government representative at the Conference Committee in 1961. It expresses the hope that the Government will overcome the difficulties, due to lack of personnel, which have prevented the normal discharge of its obligations under article 19 of the Constitution and will soon be able to supply in full the information on the submission to the competent authorities of all the instruments mentioned in the last column of the table in Appendix I to the present chapter. It emphasises that the Conventions and Recommendations must be submitted to Parliament *in all cases* and not only when their approval is proposed.

Iraq

The Committee notes with interest that according to the statement made by a Government representative to the Conference Committee in 1961, the Government will make every effort to fulfil its obligations under article 19 of the Constitution and that preliminary consideration is being given to the Conventions and Recommendations with a view to their submission to the competent authorities. It hopes, therefore, that the Government will be able to indicate without delay the measures taken to submit to the competent authorities the various instruments mentioned in the last column of the table in Appendix I of the present chapter, and will supply all the information called for in this respect in the *Memorandum* adopted by the Governing Body.

Jordan

The Committee notes that according to the statement made by a Government representative to the Conference Committee in 1961, the Labour Department is at present studying the Conventions and Recommendations and is examining the possibility of ratifying certain Conventions. The Committee hopes, therefore, that the Government will indicate in the near future the measures taken to submit to the competent authorities all the instruments mentioned in the last column of the table in Appendix I to the present chapter. It would point out that the Conventions and Recommendations must be submitted to the competent authorities *in all cases*, whatever may be the Government's intentions as to ratification of the Conventions or the measures proposed to give effect to the Recommendations.

The Committee also trusts that the Government will indicate the competent authority to which the Conventions and Recommendations are to be submitted, and would provide all the other information requested in the *Memorandum* adopted by the Governing Body.

Lebanon

The Committee notes the statement made by a Government representative to the Conference Committee in 1961, that measures would be taken to ensure the fulfilment of the obligations arising under article 19 of the Constitution. It also takes note of the explanations given as regards the proposed ratification of certain Conventions and would point out that the problem of submission to the competent author-

ities is distinct from that of ratification of Conventions; *all Conventions, as also Recommendations*, must be submitted to the competent authorities whatever the Government may intend as regards the ratification of Conventions or the measures to be taken on Recommendations.

The Committee notes that, in spite of the assurances previously given, information on the submission to the competent authorities of the instruments adopted since the 31st Session has been supplied only as regards Conventions Nos. 89 and 90. In these circumstances, it once again addresses an urgent appeal to the Government to take the necessary measures without delay to submit to the competent authorities the various other instruments adopted since the 31st Session and to supply in this respect all the information requested in the *Memorandum* adopted by the Governing Body.

Liberia

The Committee notes the statement made by a Government representative to the Conference Committee in 1961, that certain Conventions had been ratified and that as regards the ratification of other Conventions it would first be necessary to ensure the conformity of the legislation with these instruments. The Committee would draw the Government's attention to the distinction which must be made between the ratification of Conventions, on the one hand, and the obligations relating to the submission to the competent authorities, on the other hand. These obligations do not imply that Conventions must necessarily be ratified; they do, however, apply *in all cases*, even when measures for their ratification are not envisaged; moreover, they are equally applicable to Recommendations, which are not capable of ratification.

The Committee hopes that the Government will take the necessary measures to submit to the competent authorities the numerous instruments on which no information has been supplied and which are mentioned in the last column of the table in Appendix I to the present chapter.

Libya

The Committee notes the statement made by a Government representative to the Conference Committee in 1961, that the reorganisation of the Ministry of Labour will permit the Government to discharge in the near future its obligations regarding submission under article 19 of the I.L.O. Constitution. It trusts therefore that the Government will be able to communicate in the near future all the information asked for in the *Memorandum* adopted by the Governing Body concerning the submission to the competent authorities of the various instruments which are mentioned in the last column of the table in Appendix I to the present chapter.

Luxembourg

The Committee notes the detailed information supplied by the Government to the Conference Committee in 1961 on the examination of the various Conventions and Recommendations by the Ministers concerned. It would draw the Government's attention to the fact that the Conventions and Recommendations must be submitted to the competent legislative authorities *in all cases*, whatever the decisions envisaged as regards the ratification of the Conventions or the measures proposed to give effect to the Recommendations. The Committee accordingly hopes that the Government will be able to indicate in the near future the measures taken to submit to Parliament the instruments adopted from the 40th to the 44th Sessions.

Malaya

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1961, that all the Conventions and Recommendations adopted since the 41st Session are being examined with a view to their submission to the competent authorities. It also takes note of the information supplied since then on the decisions taken by the Government in regard to the effect to be given to several of the instruments adopted since the above-mentioned session. No information has yet been supplied, however, on the submission of these instruments to Parliament, which, as the Government has stated, constitutes the competent authority in accordance with article 19 of the I.L.O. Constitution.

The Committee therefore expresses the hope that the Government will indicate shortly whether all the Conventions and Recommendations adopted since the 41st Session have finally been submitted to Parliament. It recalls that according to article 19 of the Constitution Conventions and Recommendations must be submitted to the competent authorities *in all cases*, whatever may be the steps contemplated by the Government with regard to the ratification of Conventions or to the effect to be given to Recommendations.

Mexico

A statement made by a Government representative to the Conference Committee in 1961 indicated once more that Conventions are submitted to the Senate and Recommendations to the Ministry of Labour, which is responsible for applying them. The Committee must therefore point out once more to the Government, at it has already stressed in previous requests and observations, that the authorities to which the instruments adopted by the Conference must be submitted in accordance with article 19 of the I.L.O. Constitution are the authorities competent to legislate, i.e. under the Constitution of Mexico, the two Chambers of Congress. The Committee had also emphasised that Recommendations must also be submitted to Congress "even in cases where other bodies would customarily take administrative or other measures to give effect to these instruments". It recalls in this connection that one of the aims of the procedure laid down in article 19 of the I.L.O. Constitution is to inform public opinion in member States. It hopes therefore that the Government will take the necessary steps to submit all Conventions and Recommendations to the two Chambers of Congress, which constitute the most representative legislative body under the national Constitution.

Netherlands

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1961, that the submission to the competent authorities of all the instruments which were referred to in the observation of 1961, as well as of the instruments adopted at the 44th Session, was in preparation and that the Government would re-examine the present procedure of submission with a view to accelerating it. It hopes therefore that the Government will be able to indicate shortly whether the above-mentioned instruments have been submitted to the States-General and to supply all the information called for in this connection by the *Memo-randum* adopted by the Governing Body.

Nicaragua

The Committee regrets to note that the Government has still not stated whether Conventions and Recommendations have been submitted to the competent author-

ities. The Committee had previously noted that such submission would be made on the adoption of new labour legislation which was being prepared. In the absence of further information since then, the Committee feels bound strongly to urge the Government to take without further delay the necessary measures to submit all the instruments adopted since the 40th Session to the legislature and to supply all the information called for by the *Memorandum* adopted by the Governing Body with regard to this question. The Committee expresses the hope that the Government will no longer fail to recognise the fundamental importance of the obligations laid down in article 19, paragraphs 5 (b) and (c), and 6 (b) and (c), of the I.L.O. Constitution for all States Members of the Organisation.

Panama

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1961 that the Government was concerned to give effect to the obligations arising out of the Constitution in regard to the submission of Conventions and Recommendations to the competent authorities. It expresses the hope that the Government will overcome the constitutional difficulties which have delayed the implementation of these obligations and will be able to supply in the near future all the information required by the *Memorandum* adopted by the Governing Body concerning the submission to the legislature of the various instruments referred to in the last column of the table in Appendix I to the present chapter.

Paraguay

The Committee notes with regret that the only information supplied by Paraguay since it rejoined the I.L.O. refers merely to the transmission of Conventions and Recommendations to the competent body, without further details. In these circumstances the Committee cannot ascertain whether or not effect has been given to the provisions of article 19 of the I.L.O. Constitution. It must therefore draw the attention of the Government to the fact that the authorities to which Conventions and Recommendations must be submitted are the authorities competent to legislate in regard to the matters dealt with by these instruments. The Committee therefore urges the Government to state whether all the instruments adopted since the 40th Session have been submitted to the legislature and to supply with regard to them the information called for by the *Memorandum* adopted in this connection by the Governing Body.

Peru

With reference to the observation made in 1961, the Committee notes with interest the information supplied by the Government on the submission to the competent authorities of the texts of Convention No. 98 and Recommendations Nos. 83 to 110, adopted since the 31st Session.

Rumania

The Committee notes with interest the information supplied by the Government in regard to the amendments which were made in the national Constitution in 1961. It notes the information given concerning the functions of the Council of State, in particular with regard to the examination of Conventions and Recommendations. It also notes with interest that the sessions of the Grand National Assembly are devoted to the examination of important economic and social questions, that the Council of

State reports to the Assembly on its activities, and that the Assembly may itself decide whether a Convention should or should not be ratified, whatever may be the opinion of the Council of State. In the light of these considerations the Committee understands that in practice a report is made to the Grand National Assembly concerning the instruments in question and the examination of them made by the Council of State. It hopes therefore that the Government will supply information on the measures thus taken as well as information on the examination of Conventions and Recommendations by the Council of State.

El Salvador

The Committee notes the statement made by a Government representative to the Conference Committee in 1961. It trusts that the Government has overcome the administrative difficulties to which it has referred since 1958 and which have prevented it from implementing the obligations arising out of article 19 of the I.L.O. Constitution with regard to the submission of Conventions and Recommendations to the competent authorities. The Committee once more urges the Government to take without further delay the necessary steps to submit to the competent authorities all the instruments referred to in the last column of the table in Appendix I to the present chapter, and to supply the information required with regard to this matter by the *Memorandum* adopted by the Governing Body.

Senegal

The Committee notes with interest the information supplied by the Government on the measures taken with a view to submitting in the near future to the National Assembly the instruments adopted at the 44th Session, and also the documents prepared for this purpose, containing the proposals and comments on the effect to be given to these instruments. The Committee also notes that the instruments in question could not be submitted to the competent authorities within the time laid down in article 19 of the Constitution of the I.L.O. due to the fact that Senegal was represented at the 44th Session by the Federation of Mali.

Sudan

The Committee regrets to note that the Government has not supplied the information requested by the *Memorandum* adopted by the Governing Body with regard to the submission of the instruments adopted at the 41st, 42nd, 43rd and 44th Sessions. It hopes that the Government will indicate shortly whether these instruments have been submitted to the competent authorities and will supply the detailed information requested in this regard.

Thailand

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1961 that no effort would be spared to give effect in the near future to the obligations arising out of article 19 of the I.L.O. Constitution by the submission to Parliament of Conventions and Recommendations after they had been studied by the services and organisations concerned. It regrets to note, however, that no information has since then been supplied with regard to the implementation of these obligations. The Committee must once more address an urgent appeal to the Government to take without further delay the necessary measures to submit to Parliament all the instruments adopted from the 37th to the 44th Sessions and to supply with regard thereto the information called for by the *Memorandum* adopted by the Governing Body.

Ukraine

As the Government has furnished no new information on the points raised in the observation made in 1961, the Committee must repeat its observation, which was as follows:

The Committee takes note of the statement by a Government representative to the Conference Committee in 1960, from which it appears that the submission of Conventions and Recommendations to the Praesidium of the Supreme Soviet has, *inter alia*, the result of ensuring that these instruments are brought to the notice of public opinion. Consequently, the Committee expresses the hope that the Government will soon confirm and generalise the present practice by submitting all Conventions and Recommendations to the Supreme Soviet, which constitutes the most representative legislative body provided for in the national Constitution.

The Committee hopes that the Government will supply information on the measures in question.

U.S.S.R.

As the Government has supplied no new information on the points raised in the observation made in 1961 the Committee is obliged to repeat its previous observation which was as follows:

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1960, from which it appears that Conventions and Recommendations submitted to the Praesidium of the Supreme Soviet are also the subject of several measures of publicity, particularly within the Supreme Soviet. Consequently the Committee expresses the hope that the Government will soon be able to confirm and generalise the present practice by submitting all Conventions and Recommendations to the Supreme Soviet, which constitutes the most representative legislative body provided for in the Constitution of the U.S.S.R.

The Committee hopes that the Government will supply information on the measures in question.

Uruguay

The Committee notes that, according to the statement made by a Government representative to the Conference Committee in 1961, an inter-ministerial committee charged with the function of studying I.L.O. questions had been set up and that the Government was to supply information shortly. The Committee regrets to note that the Government has supplied no information on the submission of Conventions and Recommendations to the competent authorities, and feels bound once more to address an urgent appeal to the Government to take the necessary steps with regard to the various instruments referred to in the last column of the table in Appendix I to the present chapter and to supply all the information requested in the *Memorandum* on this question adopted by the Governing Body.

Yugoslavia

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1961, in which it is reaffirmed that Conventions and Recommendations are submitted in all cases to the Federal People's Assembly and indicated that a report had been submitted to this Assembly not only on the Conventions and Recommendations adopted at the 44th Session but also on all instruments previously adopted. The Committee notes with regret, however, that the information and documents requested in this connection by the *Memorandum* adopted by the Governing Body have not been received. The Committee trusts that this information will shortly be supplied.

* * *

In addition, requests on certain other points are being addressed to the following States: *Albania, Argentina, Australia, Austria, Brazil, Bulgaria, Burma, Byelorussia, Cameroun, Ceylon, Chile, China, Colombia, Costa Rica, Dominican Republic, Finland, France, Ghana, Guinea, Haiti, Honduras, Hungary, Iceland, Iran, Republic of Mali, New Zealand, Pakistan, Peru, Philippines, Poland, Portugal, Rumania, Republic of South Africa, Spain, Syrian Arab Republic, Togo, Tunisia, Turkey, Ukraine, U.S.S.R., United Arab Republic, 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 44th Sessions of the International Labour Conference, 1948-60)

Note. The number of the Convention or Recommendation is given in brackets, preceded by the letter "C" or "R" as the case may be, when only some of the decisions adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

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.	37th, 41st, 42nd, 43rd and 44th.
Albania	31st to 44th.	—
Argentina	31st to 41st and 42nd (C 110, 111).	42nd (R 110, 111), 43rd and 44th.
Australia	31st to 44th.	—
Austria	31st to 42nd, 44th.	43rd.
Belgium	31st to 44th.	—
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 and 44th.
Brazil	31st to 43rd.	44th.
Bulgaria	31st to 42nd, 44th.	43rd.
Burma	31st to 43rd.	44th.
Byelorussia ¹	37th to 44th.	—
Cameroun ²	—	44th.
Canada	31st to 44th.	—
Ceylon	31st to 43rd.	44th.
Chile	31st to 42nd.	43rd and 44th.

¹ Byelorussia became a Member of the Organisation in 1954.

² Cameroun became a Member of the Organisation at the 44th Session.

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)
China	31st (R 83), 32nd (R 84, 85, 86, 87), 33rd, 34th, 35th (R 93, 94, 95), 36th, 37th, 38th (R 99, 100), 39th, 40th, (C 105; R 103, 104), 41st (R 105, 106, 107, 108, 109), 42nd (C 111; R 110, 111), 43rd (C 112, 113, 114) and 44th.	31st (C 87, 88, 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 35th (C 101, 102, 103), 38th (C 104), 40th (C 106, 107), 41st (C 108, 109), 42nd (C 110) and 43rd (R 112).
Colombia	31st to 40th (C 105, 106, 107; R 103), 41st (C 109; R 105, 106, 108) to 44th.	37th, 40th (R 104) and 41st (C 108; R 107, 109).
Costa Rica	31st (C 87, 88, 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 34th (C 99, 100), 35th (C 101, 102, 103), 38th (C 104), 39th, 40th, 41st, 42nd and 43rd.	31st (R 83), 32nd (R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th (R 99, 100) and 44th.
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 and 44th.
Czechoslovakia	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 100; R 90), 37th and 38th.	32nd (R 87), 33rd, 34th (C 99; R 89, 91, 92), 35th, 36th, 39th, 40th, 41st, 42nd, 43rd and 44th.
Denmark	31st to 44th.	—
Dominican Republic . . .	31st to 43rd.	44th.
Ecuador	32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100; R 89, 90), 35th (C 102, 103), 36th, 38th (C 104), 40th (C 105), 42nd (C 111).	31st, 32nd (R 87), 33rd, 34th (R 91, 92), 35th (C 101; R 93, 94, 95), 37th, 38th (R 99, 100), 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110, 111) 43rd and 44th.
Ethiopia	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd and 44th.
Finland	31st to 43rd.	44th.
France	31st to 44th.	—
Germany (Federal Republic) ¹	34th to 44th.	—
Ghana ²	40th to 44th.	—

¹ The Federal Republic of Germany became a Member of the Organisation at the 34th Session.

² Ghana became a Member of the Organisation at the 40th Session.

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)
Greece	31st, 32nd, 34th (C 99, 100) and 35th (C 101, 102, 103).	33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd and 44th.
Guatemala	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100), 35th (C 101, 102), 39th, 40th (C 105, 106), 41st, 42nd and 43rd (C 112, 113, 114).	32nd (C 91, 92, 93; R 87), 33rd, 34th (R 89, 90, 91, 92), 35th (C 103; R 93, 94, 95), 36th, 37th, 38th, 40th (C 107; R 103, 104), 43rd (R 112) and 44th.
Guinea ¹	43rd (C 112, 113, 114).	43rd (R 112) and 44th.
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 and 39th.
Honduras ²	39th to 44th.	—
Hungary	31st to 44th.	—
Iceland	31st to 43rd.	44th.
India	31st to 44th.	—
Indonesia ³	34th (C 100), 40th, 41st, 43rd and 44th.	33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th and 42nd.
Iran	31st to 40th.	41st, 42nd, 43rd and 44th.
Iraq	31st (C 88), 40th (C 105, 106), 42nd (C 111) and 43rd (C 112, 113, 114).	31st (C 87, 89, 90; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th (C 107; R 103, 104), 41st, 42nd (C 110; R 110, 111), 43rd (R 112) and 44th.
Ireland	31st to 44th.	—
Israel ⁴	32nd to 44th.	—
Italy	31st to 44th.	—

¹ Guinea became a Member of the Organisation on 21 January 1959.

² Honduras re-entered the Organisation on 1 January 1955.

³ Indonesia became a Member of the Organisation at the 33rd Session.

⁴ Israel became a Member of the Organisation at the 32nd Session.

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)
Japan ¹	35th to 44th.	—
Jordan ²	40th (C 105).	39th, 40th (C 106, 107; R 103, 104), 41st, 42nd, 43rd and 44th.
Lebanon	31st (C 89, 90).	31st (C 87, 88; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd and 44th.
Liberia	42nd and 43rd (C 112, 113, 114).	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 43rd (R 112) and 44th.
Libya ³	40th (C 105) and 42nd (C 111).	35th, 36th, 37th, 38th, 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110, 111), 43rd and 44th.
Luxembourg	31st to 39th.	40th, 41st, 42nd, 43rd and 44th.
Malaya ⁴	—	41st, 42nd, 43rd and 44th.
Republic of Mali ⁵	—	44th.
Mexico	31st, 32nd (C 95), 34th (C 99, 100; R 89, 90) 40th to 44th.	32nd (C 91, 92, 93, 94, 96, 97, 98; R 84, 85, 86, 87), 33rd, 34th (R 91, 92), 35th, 36th, 37th, 38th and 39th.
Morocco ⁶	39th to 44th.	—
Netherlands	31st to 40th (C 105).	40th (C 106, 107; R 103, 104), 41st, 42nd, 43rd and 44th.
New Zealand	31st to 43rd.	44th.
Nicaragua ⁷	—	40th, 41st, 42nd, 43rd and 44th.
Norway	31st to 44th.	—

¹ Japan re-entered the Organisation after the closure of the 34th Session.

² Jordan became a Member of the Organisation on 26 January 1956.

Libya became a Member of the Organisation at the 35th Session.

⁴ Malaya became a Member of the Organisation on 11 November 1957.

⁵ The Federation of Mali, which consisted of the present Republic of Mali and Senegal, became a Member of the Organisation at the 44th Session; the Republic of Mali became a Member, separately, on 22 September 1960.

⁶ Morocco became a Member of the Organisation at the 39th Session.

⁷ Nicaragua re-entered the Organisation on 9 April 1957.

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)
Pakistan	31st to 44th.	—
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 and 44th.
Paraguay ¹	—	40th, 41st, 42nd, 43rd and 44th.
Peru	31st to 41st, 42nd (C 110, 111; R 110), 43rd (C 112, 113, 114).	42nd (R 111), 43rd (R 112) and 44th.
Philippines	31st to 44th.	—
Poland	31st (C 7), 32nd (C 91, 92, 95, 96, 98), 34th (C 100; R 90), 35th (C 101), 36th, 40th (C 105) and 42nd (C 111).	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 and 44th.
Portugal	31st to 42nd.	43rd and 44th.
Rumania ²	39th to 44th.	—
El Salvador	38th (C 104) and 40th (C 105, 107).	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106; R 103, 104), 41st, 42nd, 43rd and 44th.
Senegal ³	—	44th.
Republic of South Africa	31st to 44th.	—
Spain ⁴	39th to 43rd (C 112, 113, 114), 44th (C 115).	43rd (R 112) and 44th (R 113, 114).
Sudan ⁵	39th and 40th.	41st, 42nd, 43rd and 44th.
Sweden	31st to 44th.	—

¹ Paraguay re-entered the Organisation on 5 September 1956.

² Rumania re-entered the Organisation on 11 May 1956.

³ The Federation of Mali, which consisted of Senegal and the present Republic of Mali, became a Member of the Organisation at the 44th Session; Senegal became a Member, separately, on 4 November 1960.

⁴ Spain re-entered the Organisation on 28 May 1956.

⁵ Sudan became a Member of the Organisation at the 39th Session.

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)
Switzerland	31st to 44th.	—
Syrian Arab Republic . .	31st (C 87, 88, 89), 32nd (C 94, 95, 96, 98), 34th (C 100), 35th (C 101, 103), 36th (R 97), 38th (C 104), 39th (R 102), 40th and 42nd.	31st (C 90; R 83), 32nd (C 91, 92, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 102; R 93, 94, 95), 36th (R 96), 37th, 38th (R 99, 100), 39th (R 101), 41st, 43rd and 44th
Thailand	31st to 36th.	37th, 38th, 39th, 40th, 41st, 42nd, 43rd and 44th.
Togo ¹	—	44th.
Tunisia ²	39th to 44th.	—
Turkey	31st to 44th.	—
Ukraine ³	37th to 44th.	—
U.S.S.R. ⁴	37th to 44th.	—
United Arab Republic . .	31st (C 87, 88, 89; R 83), 32nd (C 94, 95, 96, 98), 34th (C 100), 35th (C 101), 38th, 39th, 40th and 42nd.	31st (C 90), 32nd (C 91, 92, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 102, 103; R 93, 94, 95), 36th, 37th, 41st, 43rd and 44th.
United Kingdom	31st to 44th.	—
United States	31st to 44th.	—
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 and 44th.
Venezuela ⁵	31st to 44th.	—
Viet-Nam ⁶	33rd to 42nd.	43rd and 44th.
Yugoslavia	31st to 44th.	—

¹ Togo became a Member of the Organisation at the 44th Session.

² Tunisia became a Member of the Organisation at the 39th Session.

³ Ukraine became a Member of the Organisation in 1954.

⁴ The U.S.S.R. re-entered the Organisation in 1954.

⁵ Venezuela withdrew from the Organisation on 3 May 1957 and re-entered the Organisation on 16 March 1958.

⁶ Viet-Nam became a Member of the Organisation at the 33rd Session.

**Appendix II. Tables Showing the Position of Members with Regard to the Obligation
to Submit Conference Decisions to the Competent Authorities**

**TABLE I. NUMBER OF STATES WHICH HAVE COMMUNICATED, WITHIN THE
PRESCRIBED TIME LIMITS, INFORMATION INDICATING THAT CONVENTIONS AND
RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES**

Number of States in which, according to information supplied by governments—	Sessions at which decisions were adopted ¹													
	31st 1948	32nd 1949	33rd 1950	34th 1951	35th 1952	36th 1953	37th 1954	38th 1955	39th 1956	40th 1957	41st 1958	42nd 1958	43rd 1959	44th 1960
All the decisions have been submitted . . .	16	17	21	25	25	28	29	24	38	38	33	36	34	39
Some of these decisions have been submitted	7	2	— ²	4	3	1	— ²	4	1	13	3	6	8	1
None of these decisions has been submitted (including cases in which no informa- tion has been sup- plied by the govern- ment).	37	42	42	35	38	37	40	41	37	26	43	37	38	43
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

¹ Except for the 41st Session (April-May) all sessions of the Conference were held in June. ² At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 15 MARCH 1962

Number of States in which, according to information supplied by governments—	Sessions at which decisions were adopted ¹													
	31st 1948	32nd 1949	33rd 1950	34th 1951	35th 1952	36th 1953	37th 1954	38th 1955	39th 1956	40th 1957	41st 1958	42nd 1958	43rd 1959	44th 1960
All the decisions have been submitted . .	46	44	44	46	45	48	45	49	56	55	51	51	43	39
Some of these decisions have been submitted	9	12	— ²	12	9	—	— ²	5	1	10	2	8	7	1
None of these decisions has been submitted (including cases in which no informa- tion has been sup- plied by the govern- ment).	5	5	19	6	12	18	24	15	19	12	26	20	30	43
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

¹ Except for the 41st Session (April-May) all sessions of the Conference were held in June. ² At this session the Conference adopted one Recommendation only.

PART THREE

FORCED LABOUR

**General Conclusions on the Reports relating
to the International Labour Conventions and Recommendations
dealing with Forced Labour and Compulsion to Labour**

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GENERAL CONCLUSIONS ON THE REPORTS RELATING TO THE INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS DEALING WITH FORCED LABOUR AND COMPULSION TO LABOUR

GENERAL INTRODUCTION

1. Forced labour has no doubt existed at all times in various forms. For a long time, however, many other forms of economic, social and political constraint, and above all, slavery, prevented the peculiar features of forced labour as such from being discerned; thus world opinion has only relatively recently become conscious of the existence of systems of forced labour in certain countries.

2. It was mainly forms of forced labour for purposes of economic development which were first denounced, and dealt with in the Forced Labour Convention, 1930 (No. 29). This Convention, although of general application, took particular account of the situation in certain colonial countries and some independent States at a similar stage of development. Experience seems to have shown that recourse to forced labour for economic purposes scarcely seems to be possible without the use of other forms of constraint.

3. The existence of systems of forced labour as a means of political coercion was not revealed until very much later, mainly in fully self-governing countries. The abolition of such systems of forced labour was one of the principal objectives of the Abolition of Forced Labour Convention, 1957 (No. 105). Forced labour had of course been used in earlier times for the punishment of political opponents, but it hardly seems to have been used systematically for purposes of political coercion until recent times. In many countries persons convicted of political offences in fact have enjoyed—and still sometimes enjoy¹—a privileged position; their struggle was often identified with the fight to acquire “civil and political rights” and “fundamental freedoms”. It was thought scarcely conceivable to punish them with forced labour, far less to use forced labour as a means of their “political re-education”.²

4. It soon became clear, however, that the political liberation of the individual was not enough and that he had also to be liberated from certain economic, social and cultural constraints. In some countries an attempt was made to work towards this new objective while respecting as much as possible the fundamental freedoms which were already recognised. In other countries, however, it was thought that the rights of the individual must give way before those of the State; giving priority to economic independence, it was purported to improve the lot of man by placing restrictions particularly on the exercise of the civil and political rights of citizens. In some of these countries all fundamental freedoms were suppressed and ideological opposition to the established system became legally impossible. In others, civil and political rights could be exercised solely in one direction considered to be in accordance with the interests of the community, and all ideological opposition thus became

¹ See below, Chapter IV, para. 163.

² Until at least the eve of the First World War in certain countries persons convicted of political offences seem to have enjoyed a privileged position in public opinion, which distinguished them from

(footnote continued overleaf)

criminal. In both cases systems of forced labour for purposes of political coercion developed.

5. When reviewing in 1961 certain "aspects of social evolution in present and former non-metropolitan territories"¹, the Committee already described in broad outline the evolution over the past 40 years of the problem of forced labour mainly for economic purposes in a large number of countries where the 1930 Convention is in force. That review showed how the use of forced labour had progressively diminished in a large number of countries, and even disappeared, under the influence of movements of thought, international standards, the gradual political emancipation of the people and the general progress which had taken place in the economic and social sphere. The information available to the Committee this year on the whole confirms these findings. It also indicates the not inconsiderable progress which has been achieved in various countries in which the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour in 1953 found that there existed systems of forced labour for purposes of political coercion or economic development.

6. Yet, these forms of forced labour which the International Labour Organisation and the United Nations have unreservedly condemned are still rife in some countries. This is the conclusion which emerges from the information available on the situation of 168 countries²; a large part of this information has been supplied by governments in their reports on ratified Conventions (article 22 of the Constitution) or on unratified Conventions and on Recommendations (article 19). However, for various reasons, indicated below, the present review is only of a very preliminary character.

7. It is to be hoped, however, that this review will enable governments better to appreciate the extent of their international obligations and will inspire them to renounce the use of forced labour in all its forms, particularly in the furtherance of their country's economic development. For its part, in compliance with its terms of reference, the Committee, while noting the various political, economic and social conditions in different countries, and without expressing any view on the systems in these countries, will continue to examine from a purely legal point of view to what extent the countries which have ratified the Conventions on forced labour give effect in their national legislation and practice to the obligations deriving therefrom.

* * *

8. One member of the Committee, Mr. Gubinski, made reservations concerning certain statements contained in the report. These reservations were made primarily because he considered that the report went beyond the scope of the Conventions and Recommendations dealing with forced labour and compulsion to work. In his view, Article 2, paragraph 2 (*c*), of Convention No. 29 had excluded from the legal definition of "forced or compulsory labour" cases in which any work or service was exacted from any person as a consequence of a conviction in a court of law. He was of the opinion that Convention No. 105 had made no change on this point. Con-

common criminals. They were regarded rather as patriots fighting for national independence, political liberty or social progress. This privileged position manifested itself in various forms: favourable treatment in prison (no obligation to work, etc.); recognition of the right to political asylum abroad, etc.

¹ International Labour Conference, 45th Session, 1961, Report (III) (Part IV): *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Part Four, Chapter I, pp. 250-258 (available in offprint form). References to the reports of the Committee of Experts are hereafter indicated by the abbreviation "R.C.E.", followed by the year.

² Ninety-four States Members of the I.L.O. out of 102, and the 74 non-metropolitan territories.

sequently, Mr. Gubinski felt that the report had gone beyond the scope of the present study. He had in mind the parts analysing criminal jurisdiction and dealing with the problem of the imposition of penalties by courts of law. According to Mr. Gubinski this could not be justified by the fact that, under the various penitentiary systems, punishments might in certain cases involve an obligation to work.

9. The Committee is not able to accept the view expressed by Mr. Gubinski.

10. The Committee notes that the Convention of 1930 already in fact prohibits forced labour as a punishment if there is no conviction by a court of law; this is so, for example, in certain of the cases mentioned in the 1957 Convention, such as punishment for the expression of political views, labour discipline, or punishment for having participated in a strike. The Committee wishes to point out that, while the 1957 Convention supplements that of 1930, the two instruments are independent of each other and either or both of them may be ratified by different States. On the basis of the text of the 1957 Convention, the preparatory work leading to its adoption (including, in particular, the report of the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour), and the foregoing considerations, the Committee considers that, in referring to the use of "any form" of forced labour in the five cases mentioned in Article 1, the Convention prohibits forced labour resulting from a conviction in a court of law as well as other forms of forced labour. On the other hand, the Convention of 1957 is not concerned with forced labour imposed in cases other than those mentioned in Article 1 and, for example, does not prohibit prison labour as a consequence of the conviction in a court of law of common offenders.

11. The Committee accordingly wishes to emphasise its conclusion: the imposition of forced labour in any of the five cases mentioned by the 1957 Convention is contrary to the Convention even if it results from a conviction by a court of law.

THE VARIOUS FORMS OF FORCED LABOUR

12. Forced or compulsory labour in the world takes a wide variety of forms: work done under threat of some kind of punishment, and work for which individuals do not offer themselves of their own free will. Some forms of work of the latter type—for example minor communal services, work or service exacted in cases of emergency, certain normal civic obligations—are not prohibited by the international standards so long as certain criteria are observed. Others may only be resorted to under certain conditions or in certain circumstances: this is the case as regards work or service exacted in virtue of compulsory military service laws, depending on whether or not it is of a purely military character; prison labour, depending on whether there has been a conviction in a court of law or not, whether private undertakings are involved or whether the work is done for the State, depending on whether such labour is exacted as a means of punishment or rehabilitation of offenders under common law, as a means of political coercion, as a means of labour discipline or as a punishment for having participated in strikes; forced labour resulting from various forms of compulsion to work which are more or less systematic or cumulative: enforcement of laws concerning vagrants and beggars, poll taxes, compulsory transfer of workers, compulsory prolongation of contracts, prohibition of a worker from terminating a contract of indefinite duration, compulsory or forced recruitment, passes or work-books, deportation or restricted residence. Finally, other types of forced or compulsory labour ought to be abolished: forced labour for general or local public works (building or maintenance of roads, bridges, irrigation, prevention of erosion, etc.); for compulsory cultivation; for transport; for underground work in mines;

forced labour for the benefit of private individuals; forced labour by way of collective punishment; forced labour as a means of racial discrimination; etc.

MAGNITUDE OF RESEARCH REQUIRED AND DIFFICULTIES ENCOUNTERED

13. The above list, which does not claim to be exhaustive, gives an idea of the difficulties met with in any comprehensive review of the forced labour problem. Firstly, it is very rare for forced labour to be dealt with in a single all-embracing enactment. It is therefore necessary, for each country, in addition to examining the constitutional provisions and enactments concerned particularly with labour questions (Labour Code, organisation of employment or recruitment services, legislation on trade unions and labour disputes, etc.), to seek out, translate and examine a very wide variety of texts: Penal Code and Code of Criminal Procedure; legislation on sedition or acts prejudicial to the security of the State; legislation on the press, censorship, societies, meetings, etc.; prison labour regulations; legislation on cases of *force majeure* and emergency; legislation on public works (soil conservation, construction and maintenance of roads, bridges, dams, canals, etc.); legislation on compulsory military service; legislation on vagrants and "anti-social" individuals; legislation on specific ethnic groups (aborigines or migrants). Annexed to this review will be found a list of the texts taken into consideration for each of the countries studied (Appendix I).

14. Another difficulty, peculiar to certain countries but which deserves mention, is that the legislative provisions currently in force have not all been published, or are never published, and sometimes are communicated only to the authorities responsible for enforcing them.

15. With reference particularly to the very far-reaching provisions of the Abolition of Forced Labour Convention, 1957 (No. 105), it is not always possible to appreciate the scope of the legislative texts examined simply by reading them. It is only by studying carefully the way in which these legislative texts are actually implemented in practice—particularly the court decisions by which effect is given to them—that one can be certain that the standards laid down by this Convention are really being observed. Furthermore, some of the forms of forced labour mentioned in this Convention may result from the systematic or simultaneous use of various forms of indirect compulsion, and it is therefore necessary in evaluating the position to be in possession of various factual data (statistics, etc.).

16. Finally, it should be borne in mind that the 1957 Convention is a recent instrument. In respect of the 1930 Convention, the Committee has over the years, as new ratifications took effect, been able to indicate the manner in which it seemed necessary to ensure its application, but this has not yet been possible for the 1957 Convention. The latter instrument was adopted by the International Labour Conference less than five years ago and has been in force for a little over three years. While some first reports on the application of this Convention were examined by the Committee in 1961, most of them were not received and examined until this year. Consequently, governments have not yet had an opportunity of supplying all the supplementary information requested of them, and the Committee has not yet been able to consider numerous points.

17. All these difficulties explain why this year's review will still be preliminary in character. The insufficient information available in respect of many countries has not made possible the thorough examination of legislation and practice which would

have been necessary. Although this review refers to the situation in a large number of countries, it does not contain equally detailed indications for each of them. The review is accordingly based mainly on examples, both as regards the situation in the various countries with respect to the problem of forced labour and as regards the difficulties to which the application of the 1957 Convention may give rise. It is only in the light of experience gained over a number of years that the application of this new Convention will be capable of more detailed analysis, drawing upon the documentation which it will have been possible to bring together and the information on the factual situation which governments, employers' and workers' organisations and possibly also other governmental and non-governmental organisations will supply to the I.L.O.

PLAN OF THE REVIEW

18. It seems possible to group the various forms of forced or compulsory labour under three main headings: forced labour for economic purposes; forced labour for social purposes, and forced labour for political purposes. The analysis of the available information will be given under these headings in three chapters. This division has been adopted only for the convenience of exposition, and does not imply that some particular form of forced labour reviewed here under one heading might not, depending on the way in which it is actually used, also find its place under another heading.¹ The analysis of the information available on the various forms of forced labour is preceded by a chapter dealing with forced labour in general (definitions; general prohibition of forced labour; general obligation to work; exceptions). Before proceeding to discuss these various questions, it will be useful to sketch briefly the international action taken in the field of forced labour, give a short outline of the international standards which are the subject of the present review—details of the provisions they contain being given in the chapters which follow—and state which countries are bound by both Conventions on forced labour. These Conventions, as will be seen, are in the forefront of those which have been accepted to the widest extent through the ratifications of member States and through the declarations prescribed by the I.L.O. Constitution in respect of non-metropolitan territories: almost half the member States and more than two-thirds of the non-metropolitan territories are bound by both Conventions.

INTERNATIONAL ACTION

19. Although as far as slavery was concerned the first texts adopted on the international level date back to the beginning of the 19th century, to the Congress of Vienna, the question of forced labour properly so called only became the subject of systematic study and standard-setting at the international level as a consequence of the work of the League of Nations as regards Mandated territories and of the discussions which took place at the League of Nations in regard to the Slavery Convention. In 1926 the I.L.O. Governing Body appointed a Committee of Experts on Native Labour, whose first task was the study of the systems of forced or compulsory labour existing at that time, especially in countries which were not self-governing. Its work led to the adoption in 1930 of the Forced Labour Convention

¹ To minimise this inconvenience, a large number of footnotes and cross-references have been included; this should make it possible to obtain a sufficiently complete over-all picture. It should also be recalled that, as observed by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour, a combination of various practices or institutions may result in the establishment of a system of forced labour (see the report of that Committee (Geneva, 1953), pp. 125-127, paras. 553 ff.).

(No. 29), the Forced Labour (Indirect Compulsion) Recommendation (No. 35) and the Forced Labour (Regulation) Recommendation (No. 36). Even though that Convention took special account of the problems existing at that time in a certain number of colonial territories and in certain independent States at a similar stage of economic and social development, the Conference decided that it should be of general application.

20. The 1930 Convention came into force on 1 May 1932, or nearly 30 years ago. Since 1934 the Committee of Experts has dealt with a growing number of reports on the measures taken by States which have ratified it both for their metropolitan territory and for the territories for whose international relations they were responsible. Having due regard to the special character of this Convention, which authorised as a transitional measure the exaction of certain forms of forced labour "for public purposes and as an exceptional measure", in the initial stage the Committee endeavoured to make sure that the forms of forced labour prohibited by the Convention were not in fact used and to find out whether in countries where the legislation still authorised recourse to certain forms of forced or compulsory labour the use of such forced labour was governed by complete and precise regulations, as required by the Convention. Later on, by pointing to the achievements in this field of certain countries, and indicating how certain difficulties had been overcome, the Committee increasingly urged the governments concerned, in keeping with their international commitments, to suppress progressively all forms of forced labour.

21. In 1947 the question of forced labour was brought before the United Nations. Following the discussions which took place on this subject in the Economic and Social Council, the Governing Body of the I.L.O. and the United Nations Economic and Social Council set up the "U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour", which was entrusted with carrying out an inquiry into certain forms of forced labour which had been alleged to exist both in States Members of the I.L.O. and in States which were not Members of that Organisation.

22. Meanwhile the Committee of Experts had observed that various forms of compulsory service and compulsion to work had been introduced in a number of countries where the 1930 Convention was in force under emergency measures adopted during the Second World War. However, as the situation reverted to normal, the Committee, which had not failed to draw the matter to the attention of governments, had the satisfaction of seeing these different forms of forced or compulsory labour gradually being abolished.

23. The inquiries carried out in 1951-53 by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour, and subsequently by the I.L.O. Committee on Forced Labour (1956-59), revealed the existence in the world of systems of forced labour of a serious nature as a means of political coercion or for economic purposes. These vast surveys of forced labour paved the way for the adoption of a new Convention, the Abolition of Forced Labour Convention (No. 105), which was adopted unanimously, with one abstention, by the International Labour Conference in 1957.

DESCRIPTION OF INTERNATIONAL STANDARDS ON FORCED LABOUR

24. The Forced Labour Convention, 1930 (No. 29), provides for the progressive suppression of forced labour and, pending its suppression, its use only for public purposes and as an exceptional measure, subject to the conditions and guarantees set forth in detail in the various Articles of the Convention. Forced labour is defined in

such a way as to exclude certain clearly defined obligations (compulsory military service, certain civic obligations, certain forms of prison labour, work exacted in cases of emergency and minor communal services). The Convention calls, however, for the immediate abolition of forced labour in certain instances: for women; for men under 18 years of age; for men over 45 years of age; for disabled persons; where the work is for the benefit of private individuals or associations; in the case of work underground in mines; in the case of work for public purposes which is not of present or imminent necessity; in the case of compulsory cultivation which is not of present or imminent necessity and is not a precaution against famine or a deficiency of food supplies; when used as a method of collective punishment. Furthermore, it is forbidden to give persons who do not exercise administrative functions the power to exact forced labour. In all other cases, recourse to forced labour may be authorised provided that the work is of present or imminent necessity, only for public purposes and as an exceptional measure, subject to certain guarantees designed to protect the health, safety and welfare of the workers involved and ensure the continuance of normal family life and social relationships. Finally, various effective measures must be taken to ensure the application of the standards established by the Convention (detailed regulations, complaints procedures, penalties in the event of the illegal exaction of forced labour).

25. The Abolition of Forced Labour Convention, 1957 (No. 105), which is couched in very general terms, contains two substantive Articles. It calls for the immediate and complete abolition of five forms of forced labour:

- it is prohibited to make use of forced labour (1) “ as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system ”;
- it is likewise prohibited to make use of forced labour (2) “ as a method of mobilising and using labour for purposes of economic development ”;
- it is, finally, prohibited to make use of forced labour (3) “ as a means of labour discipline ”, (4) “ as a punishment for having participated in strikes ”, or (5) “ as a means of racial, social, national or religious discrimination ”.

Moreover, the countries bound by this Convention must take effective measures to abolish these various forms of forced or compulsory labour.

26. It should be pointed out that neither the 1930 Convention nor the 1957 Convention contains provisions limiting the scope of their application in any way or excluding certain categories of workers. Intended to guarantee respect for certain fundamental rights of human beings, these Conventions are of general application and are designed to protect the entire population of the countries where they are in force.

27. The Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35), exhorts governments, *inter alia*, to avoid taking measures resulting in indirect compulsion to labour through the imposition of excessively heavy taxation, through restrictions on the possession, occupation or use of land, through extension of the meaning of vagrancy or through the adoption of pass laws. Finally, the Forced Labour (Regulation) Recommendation, 1930 (No. 36), recommends the taking of certain measures to ensure that the regulations on forced labour receive sufficient publicity, to avoid the imperilling of the food supply, to ensure that the imposition of forced labour does not lead indirectly to the illegal employment of women and children on forced labour, to reduce the necessity for recourse to forced labour for transport and to see that no alcoholic temptations are placed in the way of workers engaged in forced labour.

RATIFICATIONS AND DECLARATIONS OF APPLICATION

28. Of all the Conventions adopted up to now by the International Labour Organisation, the Forced Labour Convention, 1930 (No. 29), has received the greatest number of ratifications by member States, and its provisions have been accepted in respect of the greatest number of non-metropolitan territories. In all, 147 countries are bound by this Convention: it has been ratified by 80 States, or nearly 80 per cent. of member States¹; it has been declared applicable to 67 territories, or more than 90 per cent. of non-metropolitan territories.² Twenty-two States³ and seven territories⁴ are not bound by that Convention. The Abolition of Forced Labour Convention, 1957 (No. 105), for its part, is applicable to 106 countries. Ratified by more than half the member States (54 ratifications)⁵ less than five years after its adoption, it is among the ten Conventions out of the 116 adopted which have received up to now the greatest number of ratifications; it has been declared applicable to 52 non-metropolitan territories.⁶ Forty-eight States⁷ and 22 terri-

¹ *Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Cameroun, Central African Republic, Ceylon, Chad, Chile, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Liberia, Libya, Malagasy Republic, Malaya, Republic of Mali, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Rumania, Senegal, Sierra Leone, Somali Republic, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, Togo, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, Upper Volta, Venezuela, Viet-Nam, Yugoslavia.*

² *Australia*: Nauru, New Guinea, Norfolk Island, Papua; *Belgium*: Ruanda-Urundi (with modification); *Denmark*: Faroe Islands, Greenland; *France*: Algeria, Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon; *Netherlands*: Netherlands Antilles, Surinam, Netherlands New Guinea; *New Zealand*: Cook Islands and Niue, Tokelau Islands; *Spain*: Spanish Guinea, Spanish West Africa; *United Kingdom*: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Zanzibar.

³ *Afghanistan, Bolivia, Canada, China, Colombia, Ethiopia, Guatemala, Iraq, Jordan, Kuwait, Lebanon, Luxembourg, Panama, Paraguay, Philippines, El Salvador, Republic of South Africa, Thailand, Tunisia, Turkey, United States, Uruguay.*

⁴ *Republic of South Africa*: South West Africa; *United States*: American Samoa, Guam, Trust Territory of Pacific Islands, Panama Canal Zone, Puerto Rico, Virgin Islands.

⁵ *Argentina, Australia, Austria, Belgium, Canada, Chad, China, Costa Rica, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, Gabon, Federal Republic of Germany, Ghana, Guatemala, Guinea, Haiti, Honduras, Iceland, Iran, Iraq, Ireland, Israel, Ivory Coast, Jordan, Kuwait, Libya, Malaya, Mexico, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, El Salvador, Senegal, Sierra Leone, Somali Republic, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, Tunisia, Turkey, United Arab Republic, United Kingdom.*

⁶ *Australia*: Nauru, New Guinea, Norfolk Island, Papua; *Belgium*: Ruanda-Urundi; *Denmark*: Faroe Islands, Greenland; *Netherlands*: Netherlands Antilles, Surinam, Netherlands New Guinea; *United Kingdom*: Aden, Antigua, Bahamas, Barbados, Basutoland (with modification), Bechuanaland (with modification), Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia (with modification), Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands (with modification), Southern Rhodesia, Swaziland (with modification), Trinidad and Tobago, Uganda, Zanzibar.

⁷ *Afghanistan, Albania, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cameroun, Central African Republic, Ceylon, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Czechoslovakia,*

tories¹ are not bound by this Convention. Out of a total of 176 countries (102 States Members and 74 non-metropolitan territories), only 19 countries (12 States Members² and seven non-metropolitan territories³) are bound by neither of these two Conventions.

REPORTS EXAMINED

29. It is particularly to be regretted that eight of the States which are bound by neither of these two Conventions—Afghanistan, Colombia, Ethiopia, Lebanon, Panama, Paraguay, Thailand and Uruguay—should not have sent the reports requested on unratified Conventions and on Recommendations under article 19 of the Constitution, and that it should therefore not have been possible to take account of the situation in these eight States. On the other hand, information has been supplied in respect of all non-metropolitan territories. As usual the present review takes into account all the available information, in particular the information supplied by governments in their reports, whether these were submitted under article 22 of the I.L.O. Constitution in respect of the application of ratified Conventions or under article 19 in respect of unratified Conventions or Recommendations. Annexed to this review may be found a table (Appendix II) showing the reports requested and received under article 19.

RELATIONSHIP BETWEEN THE TWO CONVENTIONS

30. In all, 96 countries—44 member States⁴ and 52 non-metropolitan territories⁵—are bound by both Conventions on forced labour. As noted by the Committee on Forced Labour in its report to the Conference in 1957, the new Convention and the Forced Labour Convention, 1930, are quite independent. The new Convention may be regarded as supplementing the 1930 Convention but does not constitute a formal

Ethiopia, France, Greece, Hungary, India, Indonesia, Italy, Japan, Lebanon, Liberia, Luxembourg, Malagasy Republic, Republic of Mali, Mauritania, Morocco, New Zealand, Nicaragua, Panama, Paraguay, Rumania, Republic of South Africa, Spain, Sudan, Thailand, Togo, Ukraine, U.S.S.R., United States, Upper Volta, Uruguay, Venezuela, Viet-Nam, Yugoslavia.

¹ *France* : Algeria, Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon; *New Zealand* : Cook Islands and Niue, Tokelau Island; *Republic of South Africa* : South West Africa; *Spain* : Spanish Guinea, Spanish West Africa; *United Kingdom* : Fiji; *United States* : American Samoa, Guam, Trust Territory of Pacific Islands, Panama Canal Zone, Puerto Rico, Virgin Islands.

² *Afghanistan, Bolivia, Colombia, Ethiopia, Lebanon, Luxembourg, Panama, Paraguay, Republic of South Africa, Thailand, United States, Uruguay.*

³ *Republic of South Africa* : South West Africa; *United States* : Virgin Islands, American Samoa, Guam, Trust Territory of Pacific Islands, Panama Canal Zone, Puerto Rico.

⁴ *Argentina, Australia, Austria, Belgium, Chad, Costa Rica, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, Gabon, Federal Republic of Germany, Ghana, Guinea, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Ivory Coast, Libya, Malaya, Mexico, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Senegal, Sierra Leone, Somali Republic, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, United Arab Republic, United Kingdom.*

⁵ *Australia* : Nauru, New Guinea, Norfolk Island, Papua; *Belgium* : Ruanda-Urundi; *Denmark* : Faroe Islands, Greenland; *Netherlands* : Netherlands Antilles, Surinam, Netherlands New Guinea; *United Kingdom* : Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Zanzibar.

revision of that Convention.¹ Countries which are bound by both Conventions must therefore ensure the cumulative application of both Conventions. The information supplied by governments in their reports makes it possible to appreciate the scope of the obligations deriving from this cumulative application of the two Conventions. The subject will be gone into in more detail in the chapters which follow.

CHAPTER I

Forced Labour

General Comments: Definitions; General Prohibitions; Obligation to Work; Exceptions

INTRODUCTION

31. Before the information available on forced labour imposed for economic purposes, forced labour imposed for social purposes, and forced labour imposed for political purposes, is examined, the scope of this study should be clearly indicated through consideration of certain questions. The international or national definitions of forced labour must be taken into consideration. Mention must also be made of the general legal provisions existing in certain countries, either to prohibit forced labour and state the penalties for non-compliance, or to establish the principle that all citizens must work. A definition must also be given of certain specific exceptions to the general prohibition of forced labour, such as compulsory military service, civic obligations, prison labour, work in the case of *force majeure* and minor communal services.

DEFINITIONS OF FORCED LABOUR

32. The Forced Labour Convention, 1930 (No. 29), gives the following definition of forced or compulsory labour:

... all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

However, certain obligations (compulsory military service, certain civic obligations, certain forms of prison labour, work exacted in cases of *force majeure* and minor communal services) are not considered as forced or compulsory labour for the purposes of this Convention. These exceptions will be examined in detail below.

33. A further distinction had already been established between forced labour as such and various forms of indirect compulsion to labour, some of which were listed in the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35). Other forms of compulsion to labour (recruitment, long-term employment contracts, penal sanctions for breach of employment contracts) were subsequently dealt with by other Conventions whose scope was limited to specific categories of workers.² The application of these Conventions in a number of countries where they are in force was covered in a general study by the Committee in 1961.³

¹ See International Labour Conference, 40th Session, Geneva, 1957: *Record of Proceedings* (Geneva, I.L.O., 1958), Appendix VII, p. 708: Report of the Committee on Forced Labour, para. 6.

² Recruitment of Indigenous Workers Convention, 1936 (No. 50); Contracts of Employment (Indigenous Workers) Convention, 1938 (No. 64); Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86); Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104).

³ *R.C.E.*, 1961, pp. 258-262.

34. It has been found from experience, as the Committee has already pointed out¹, that it is not always possible to distinguish between law and practice as regards forced labour in the strict sense and practice with regard to the various forms of compulsion to labour. This was also noted in 1953 by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour, whose report stated—

the systems of forced labour . . . found to exist in some . . . countries . . . raise new problems. . . . Such systems of forced labour affecting the working population of fully self-governing countries result from various general measures involving compulsion in the recruitment, mobilisation or direction of labour . . . these measures, taken in conjunction with other restrictions on the freedom of employment and stringent rules of labour discipline—coupled with severe penalties for any failure to observe them—go beyond the “general obligation to work” . . . contemplated in . . . Convention No. 29.²

35. When they were questioned by the International Labour Office regarding the definition of forced labour to be included in the proposed new Convention³, certain governments suggested that the scope should be extended.⁴ It was decided, however, to limit the prohibition under the new Convention to three specific categories—and subsequently five categories—of forced labour. It was thus considered pointless to insert a definition in the Abolition of Forced Labour Convention, 1957 (No. 105). The Convention stipulates, however, that in the five cases listed, “any form of forced or compulsory labour” must be abolished.

36. In a fairly large number of countries legislation does not seem to include any definition of forced or compulsory labour. However, in most non-metropolitan territories and in most States which have become independent since the end of the Second World War, legislation contains a definition which frequently reproduces word for word or follows very closely the terms of the definition in the 1930 Convention.⁵

RIGHT TO FREE CHOICE OF EMPLOYMENT, PROHIBITION OF COERCION, ETC.

37. In many countries, even in the absence of any precise legislative definition, the national Constitution, whether written or unwritten, proclaims or “acknowledges” individual rights or prohibits certain actions, with varying scope and precision. Taken together with the provisions of the Penal Code or with the possibility of *habeas corpus* proceedings, these provisions seem on the whole sufficient to protect individuals against *unlawful* imposition of forced labour.⁶ It is clear, however, that

¹ R.C.E., 1961, p. 250.

² See *Report of the Ad Hoc Committee on Forced Labour*, op. cit., pp. 126-127, paras. 557 ff.

³ Cf. I.L.O.: *Forced Labour*, Report VI (1), International Labour Conference, 39th Session, 1956 (Geneva, 1955), pp. 18-19 and p. 28, questions 4 and 5.

⁴ *Idem*, Report VI (2) (Geneva, 1956), pp. 14-17 and p. 72.

⁵ It should be noted that the definition of forced labour in the Labour Code of the French Overseas Territories (I.L.O., *Legislative Series*, 1952—Fr. 5) repeats the definition given in the 1930 Convention, but without the exceptions authorised in this text. However, certain former French Overseas Territories appear to have restored some of these exceptions in the new Labour Codes promulgated since their independence. Some have even brought in new exceptions which seem incompatible with the Convention. (See below, Chapter II, paras. 78 and 79.)

⁶ See, for example, *Austria* (Basic Law of 21 December 1867, articles 6, 7, 8, 18; Constitution, article 149; Penal Code, sections 98-100, 101, 103); *British Guiana* (Summary Jurisdiction (Offences) Ordinance, section 27); *British Honduras* (Labour Ordinance, section 151); *Brunei* (Penal Code, section 374); *Burma* (Constitution, section 19; Penal Code, section 374); *Cameroun* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Central African Republic* (Labour Code, sections 4, 228; Act of 1946, sections 1, 3); *Chad* (Constitution, article 5; Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Congo (Brazzaville)* (Labour Code, sections 2, 228; Act of

(footnote continued overleaf)

any such provisions become inoperative when legislation itself stipulates that forced labour may be imposed¹, or when the absence of any "rule of law" leaves the individual at the mercy of the established authorities or their representatives. The information available in respect of certain countries is not sufficient to show whether effect is given to Article 25 of the 1930 Convention and Article 2 of the 1957 Convention.²

OBLIGATION TO WORK

38. In several national Constitutions the provisions declaring human rights are supplemented by reference to citizens' obligations. These sometimes include the obligation to work.³ In some countries this obligation is stated or confirmed in special legislative provisions.⁴ Most of the governments questioned regarding the practical consequences of obligations thus defined in their Constitution or law, state that they amount to a "moral obligation". In some countries the moral obligation to work seems to have scarcely any practical consequences. However, it is necessary that such provisions should not take more specific forms resulting in the imposition

11 April 1946, sections 1, 3); *Cyprus* (Penal Code, section 248); *Dahomey* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Denmark* (Penal Code, sections 150, 154, 260, 261, 262); *Dominican Republic* (Penal Code, sections 114, 186, 341, 416); *Ecuador* (Constitution, articles 161, 170, 187; Labour Code, section 3); *Fiji* (Labour Ordinance, section 57); *Finland* (Penal Code, Chapter XXV, sections 9, 12, and Chapter XL, section 2); *Gabon* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Gambia* (Criminal Code, section 242; Forced Labour Ordinance, sections 4, 5); *Federal Republic of Germany* (Basic Law, article 12; Penal Code, section 240); *Ghana* (Labour Ordinance, section 110); *Gilbert and Ellice Islands* (Labour Ordinance, sections 57, 58); *Greece* (Constitution, article 4); *Greenland* (Criminal Code, sections 66, 67); *Guinea* (Labour Code, section 291); *Haiti* (Constitution, article 23; Labour Code, sections 2, 4, 8; Penal Code, sections 289-293); *Hong Kong* (Criminal Intimidation Ordinance); *India* (Constitution, article 23; Penal Code, article 374); *Israel* (Criminal Code Ordinance, section 291); *Ivory Coast* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Japan* (Constitution, articles 18, 22; Penal Code, sections 220, 223; Labour Standards Law, sections 5, 117); *Kenya* (Penal Code, section 261); *Malaya* (Constitution, article 6; Penal Code, section 374); *Republic of Mali* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Mauritania* (Labour Code, sections 2, 228; Act of 11 April 1946, section 1); *Netherlands* (Civil Code, section 2; Penal Code, section 284); *Curaçao* (Civil Code, section 2); *Netherlands Antilles* (Penal Code, sections 297, 381); *Niger* (Labour Code, section 2; Act of 11 April 1946, section 1); *Nigeria* (Labour Code Ordinance, sections 115-116; Criminal Code, sections 366-367); *North Borneo* (Penal Code, section 374); *Norway* (Penal Code, Chapter XXI, sections 222, 225); *Poland* (Penal Code, sections 248-252); *El Salvador* (Penal Code, sections 451, 319, 324); *Sarawak* (Penal Code, section 374); *Senegal* (Labour Code, sections 3, 249; Act of 11 April 1946, sections 1, 3); *Seychelles* (Penal Code, section 251); *Sierra Leone* (Sierra Leone Constitution; Order-in-Council, 1961, section 15; Prohibition of Forced Labour Ordinance, section 3); *Singapore* (Penal Code, section 374); *Solomon Islands* (Labour Regulation, section 75); *Switzerland* (Penal Code, sections 181, 182, 312); *Tanganyika* (Employment Ordinance, sections 22, 122); *Togo* (Labour Code, sections 2, 288; Act of 11 April 1946, sections 1, 3); *Tunisia* (Penal Code, sections 103, 105; Act of 14 December 1960, section 6); *Turkey* (Constitution, articles 40, 42; Code of Obligations, section 29; Penal Code, section 188); *Uganda* (Penal Code, section 243; District Administration (District Councils) Ordinance, 1955, section 36); *United Kingdom* (Habeas Corpus Acts, 1640-1816); *Upper Volta* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Viet-Nam* (Constitution, article 14; Labour Code, sections 8, 352).

¹ Unless the law has been formally declared unconstitutional or repealed.

² This appears to be the case in particular for the following countries: *China*, *Congo* (Leopoldville), *Cuba*, *Czechoslovakia*, *Hungary*, *Jamaica*, *Isle of Man*, *Morocco*, *Portugal*, *Ruanda-Urundi*, *Rumania*, *Swaziland*, *Ukraine*, *U.S.S.R.*, *United Arab Republic*, *Venezuela*.

³ *Albania* (article 13); *Brazil* (article 145); *Bulgaria* (article 14); *Byelorussia* (article 12); *Costa Rica* (article 56); *Ecuador* (article 170); *Guatemala* (article 112); *Hungary* (article 9); *Nicaragua* (article 93); *Poland* (article 14); *Rumania* (article 15); *Spain* (Charter, article 24); *Turkey* (article 42); *Ukraine* (article 12); *U.S.S.R.* (article 12); *Yugoslavia* (article 32).

⁴ *Malagasy Republic* (Labour Code, section 2); *Portugal* (Native Labour Code, section 3); *Spanish Guinea* (Native Labour Ordinance of 9 November 1953); *U.S.S.R.* (Decree of the Praesidium of the Supreme Soviet of the R.S.F.S.R., dated 4 May 1961).

of forced labour. The authorities should not find any justification to put a broad interpretation on legislative provisions that are vaguely worded.¹

THE "EXCEPTIONS" UNDER THE 1930 CONVENTION

39. The absence of any definition of forced or compulsory labour in the 1957 Convention led certain governments² to question the effective scope of this Convention. They were particularly concerned to know to what extent ratification of the Convention might result in their being prohibited from applying any form of forced labour in the cases covered by the exceptions under the 1930 Convention. This is a matter of particular importance for the numerous countries bound by both Conventions and therefore required to apply their provisions cumulatively. The following brief indications show in what cases and subject to what conditions the 1957 Convention still permits recourse to be had to the exceptions laid down in the 1930 Convention.

Compulsory Military Service

40. The first exception stated in the 1930 Convention relates to work or service performed during compulsory military service. Article 2, paragraph 2 (a), of the Convention states that the term "forced or compulsory labour" shall not include "any work or service exacted in virtue of compulsory military service laws for work of a purely military character".

41. In most countries having a system of compulsory conscription it seems that the army is generally used for work of a "purely military character", in accordance with the Convention. The army may be used and is used in a number of these countries for work in cases of *force majeure* which most often is not of a "purely military character". Where these are genuine cases of *force majeure*, as defined in the Convention³, the Committee felt that there was no cause for comment: in cases of *force majeure* all citizens, including persons performing military service⁴, may be required to work.

42. A certain number of countries have not yet supplied the necessary information regarding the application of this provision of the 1930 Convention.⁵

43. In some of the countries for which information has been supplied, some doubt has arisen regarding the nature of work performed by an army recruited through compulsory conscription, for it is obvious that when the army is composed solely of "volunteers" the question of forced labour cannot in principle arise.⁶ In

¹ See paras. 58 to 64, below (forced labour in cases of *force majeure*; Chapter II, paras. 85 and 86; Chapter III, para. 122; Chapter IV, paras. 167 and 168).

² In particular, the Government of Japan. See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III, Part II, International Labour Conference, 46th Session, Geneva, 1962 (Geneva, 1962), p. 18.

³ See paras. 58 to 64, below.

⁴ Similarly, in wartime, many persons subject to mobilisation are not drafted into the army but are either "directed" to perform non-military work or "requisitioned" to perform such work. This is clearly a case of *force majeure*.

⁵ This is the case, for example, in Brazil, Byelorussia, Costa Rica, Czechoslovakia, Ecuador, Haiti, Pakistan, Rumania, Sudan, Ukraine, U.S.S.R., Venezuela. There is information suggesting that consideration is being given in France to a project whereby the army would be used for economic development purposes in some of the Overseas Departments.

⁶ Provided, of course, that contracts of a fixed term are not unilaterally extended by the State, that contracts of unspecified duration can be terminated, and that the conditions laid down in the contracts are respected. Regarding this question, see below, Chapter II, para. 82.

some cases¹, it appears that the army is used for work which is not of a purely military character, such as bridge and road building or agricultural work.² In such cases it is clear that, in accordance with the 1930 Convention, the use of the army for work of this nature must be abolished "within the shortest possible period"³ and under the 1957 Convention "abolished immediately". A very similar problem, which arose in 1930 at the time of the adoption of the Convention, concerning the use in public works of general interest of persons liable to conscription not called up for the army⁴, arises today in one country.⁵ Additional information is necessary for some countries where the available legislation appears to admit of differing interpretations.⁶

44. It was also necessary to decide to what extent work or services to which conscientious objectors are directed in countries where their status is recognised should be considered as forced labour under the terms of the 1930 Convention. In this connection the Committee took into consideration the fact that in such cases conscientious objectors are in a more favourable situation⁷ than in countries where their status is not recognised and where refusal to wear uniform is considered an offence (and is therefore punishable by imprisonment—accompanied by prison labour—after trial by a court of law, which normally comes within the terms of the exception provided for under Article 2, paragraph 2 (c), of the Convention).⁸

45. In as far as work or service performed under laws concerning compulsory military service is in fact of "a purely military character", it does not seem that any problem could arise regarding application of the 1957 Convention.⁹

Normal Civic Obligations

46. The application of Article 2, paragraph 2 (b), of the 1930 Convention concerning the "normal civic obligations" of citizens has not so far caused any particular difficulties. In practically all countries, apart from the civic obligations covered by particular provisions of the Convention (minor communal services, work or service exacted in case of *force majeure*, military service), there are certain additional legal obligations such as jury service, the obligation to assist a person in danger, or a representative of the public law and order and, in certain cases, the obligation to vote and to participate in an electoral college.¹⁰ However, it is obvious that, contrary to

¹ *Bolivia, Greece, Guatemala, Honduras, Israel.* See below, Chapter II, paras. 77 ff.

² In some countries (see in particular the report of *Guinea* for the period 1960-61), the army is used for agricultural work to provide food for the army, or, in a case of emergency or famine, for the population at large. Such practices may clearly lead to abuse, and the Committee has found it necessary to request information regarding the extent of such work.

³ In the meantime, such work must naturally be strictly regulated in accordance with the 1930 Convention. See below, Chapter II, para. 99.

⁴ See *R.C.E.*, 1961, p. 256.

⁵ *Bulgaria*—see *R.C.E.*, 1961, p. 43. See also below, Chapter II, para. 77.

⁶ *Norway, Sierra Leone, Tunisia* (see below, Chapter II, para. 76).

⁷ Article 19, para. 8, of the Constitution of the I.L.O.

⁸ See below, paras. 47-57.

⁹ See, however, concerning forced labour as a means of labour discipline, as a punishment for striking and as a means of discrimination, Chapter III. It would not be impossible to use compulsory military service as a form of political coercion, as a means of discrimination, etc. This being so, and since the 1957 Convention prohibits "any form of forced or compulsory labour" in five specific cases, such discriminatory practices would seem to come within the terms of the Convention.

¹⁰ Certain countries have supplied no information on normal civic obligations; e.g. *Austria, Brazil, Byelorussia, Czechoslovakia, Guinea, Honduras, Hungary, Iceland, Iran, Pakistan, Venezuela.*

what has been suggested ¹, it is not possible to consider as "normal civic obligations" of citizens, as covered by the 1930 Convention, work undertaken for public purposes that is covered by other provisions in the Convention, such as public works of general or local importance (as opposed to minor communal services), compulsory cultivation, etc. In addition, the use of such work is prohibited by the 1957 Convention in so far as it constitutes "a method of mobilising and using labour for purposes of economic development".² The 1957 Convention does not, however, contain any provision prohibiting normal civic obligations in the limited sense described above.³

Prison Labour

47. Prison labour is dealt with in Article 2, paragraph 2 (c), of the 1930 Convention, according to which the term "forced or compulsory labour" shall not include "any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations".⁴

48. By stipulating that persons forced to perform work should have been convicted "in a court of law", the Convention implicitly demands that all the guarantees prescribed by the general principles of law recognised by civilised nations be granted: presumption of innocence; equality before the law; regularity and impartiality of proceedings; independence and impartiality of courts; guarantees necessary for defence; non-retroactivity and clear definition of criminal law, etc.⁵ Nevertheless, the Committee does not consider that the information at its disposal enables it to be certain that this situation obtains in every country in which the Convention is in force.⁶

49. In some countries persons under detention who have not been convicted by a court of law may be required to perform work (apart from the normal jobs connected with cleaning their cells, etc.).⁷ As the Committee has pointed out, such practices are not in conformity with the Convention. On the other hand, there is no objection to detained persons having the right to work *at their own request*, in accordance with the recommendations of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders.⁸

50. The question has also arisen as to whether, under the 1930 Convention, conviction by a court of law is necessary in all cases in order that prison labour should be exacted. In a number of countries some delinquents (children or adoles-

¹ *R.C.E.*, 1961, p. 43 (*Bulgaria*). If this suggestion were accepted, the 1930 Convention would become pointless and the requirement stated in the preceding paragraphs that work should be of "a purely military character" would have no further meaning.

² In *Gambia (United Kingdom)* certain obligations of this type have been abolished to permit application of the Convention. See below, para. 191.

³ It hardly seems conceivable that *normal* civic obligations could be used for any of the prohibited purposes mentioned in the 1957 Convention.

⁴ Certain countries have not supplied sufficient information on the application of this provision, e.g. *Brazil, Guinea, Iraq, Portugal, Viet-Nam*.

⁵ See, in particular, Articles 7 to 11 of the Universal Declaration of Human Rights, and Articles 14 and 15 of the Draft Covenant on Civil and Political Rights (as adopted by the Third Committee of the United Nations General Assembly).

⁶ See, however, Chapter IV, para. 175, below.

⁷ *Mexico, Portugal* (see also para. 47, above).

⁸ See in particular the Standard Minimum Rules for the Treatment of Prisoners, as approved by the First Congress, Geneva, 1955.

cents) are not actually *convicted*, if they are found guilty of an offence, but are sent to an institution (or for re-education)¹ or for corrective treatment, by simple *judicial* decision. This is frequently the case also for persons guilty of certain offences (such as vagrancy, mendicancy, alcoholism).² In this connection, the Committee has taken into account the fact that these simplified procedures are generally instituted in the interests of the delinquents themselves, who thus enjoy a "more favourable" situation, but it believes that it should still insist that *all guarantees of defence* should be granted in view of the special circumstances.³

51. However, persons who have not been found guilty by judicial decision of an offence should not be required to do forced labour, even as a result of a decision by a court of law in the absence of a finding of guilt.⁴ As regards decisions which are not given by a court of law, including in particular administrative decisions, labour imposed thereunder must be considered forced labour to be suppressed in accordance with the 1930 Convention. The Committee has already found it necessary to draw attention to this matter.⁵

52. The Committee has also considered several questions regarding the system of work for convicted persons. Should a distinction be made between the system of hard labour and the "normal" work exacted from persons sentenced to imprisonment? The 1930 Convention makes no distinction here. Examination of the information available shows that as regards compulsion to labour there is no fundamental difference between the two systems if regulations applying in countries where "hard labour" has been abolished⁶ are compared with those in countries where the distinction is still made.⁷

53. The Committee has been faced with other more complex questions in connection with labour by convicted persons: may they in certain cases work for private individuals? It should be noted in this connection that, whereas Article 4 of the 1930 Convention prohibits forced labour "for the benefit of" private individuals, Article 2, paragraph 2 (c), only states that convicted persons shall not be "hired to or placed at the disposal of private individuals"; it is also stated, however, that work must always be carried out "under the supervision and control of a public authority".

54. The available information shows that in most countries the various systems of prison labour⁸ are in accordance with the above requirements of the Convention. This clearly applies to all systems in which private interest plays no role (*régie*).⁹

¹ The discipline of these institutions varies considerably from country to country or between different areas or establishments in the same country (pilot or experimental institutions); however, in most cases there is compulsion to work and there does not always seem to be a clear distinction between this and the type of compulsion in prisons.

² A similar problem arises in the case of mental patients for whom work is used as a form of therapy. It is not certain that all the necessary guarantees are ensured in all cases.

³ The taking of such decisions by administrative authorities should *a fortiori* be excluded.

⁴ See para. 49 above. See also below, Chapter IV; deportation, forced residence, etc., paras. 174 ff. It is not clear from the information supplied by the following countries whether prison labour may be exacted only after conviction by a court of law: *Bulgaria, Byelorussia, Cameroun, Ecuador, Hungary, Iran, Japan, Pakistan, Ukraine, Venezuela*.

⁵ In the case of *Sweden*, for instance, *R.C.E.*, 1960, p. 32.

⁶ E.g. *United Kingdom*.

⁷ E.g. *France*.

⁸ For a detailed description of these systems, see *Prison Labour*, United Nations, 1955, ST/SOA/SD/5.

⁹ The state account system; the state use system; and the public works and ways system. See below, Chapter II, para. 104. The last of these systems seems the most likely to be used in particular circumstances for economic development purposes.

The same situation seems to apply in systems where individuals are neither "hired to" nor "placed at the disposal of" private undertakings which provide the raw materials and sell the products and in addition, the work by convicted persons is performed under the supervision and control of the prison authority.¹

55. On the other hand, the lease system practised by certain countries² does not offer the guarantees stipulated under the Convention; under this system outside work is performed for the benefit of private individuals who are either wholly or partly responsible for the maintenance and supervision of prisoners and for control of their work. There are, however, in certain countries³ forms of lease work which are covered by numerous guarantees (remuneration corresponding to existing wage levels plus social security contributions; consent of trade unions, etc.) and which are based exclusively on the labour of *volunteers*. Such systems do not appear to be incompatible with the Conventions. As the Committee pointed out in 1955, the employment of convicted persons by private individuals or associations does not fall within the scope of the provisions of the Convention where such persons *voluntarily* accept such employment and where there exist all necessary safeguards to ensure that this condition is observed.⁴

56. The same conclusion applies for the systems used in recent years in certain countries⁵ where, during the period preceding release, certain selected convicted persons agree to work for private employers outside the prison.

57. Since the 1957 Convention was to supplement the 1930 Convention⁶, it does not contain any general prohibition of forced labour. It only provides for the abolition of forced or compulsory labour, in "any form", when it is used as a means of political coercion, for purposes of economic development, as a means of labour discipline, as a punishment for having participated in strikes, or as a means of discrimination.⁷ The 1957 Convention does not therefore prohibit forced or compulsory labour, and *a fortiori* prison labour, except when it is used in one of the above five instances; for example, it does not prohibit the exaction of prison labour from a common offender found guilty of theft, fraud, murder, assassination, etc. From the consideration of the available information, in the following three chapters, it will be possible to see in what circumstances and to what extent prison labour which may be used for one of the five purposes specified in the 1957 Convention must be abolished in accordance with that Convention.

Work in Cases of "Force Majeure"

58. Work and services exacted in cases of *force majeure* are not considered as forced labour for the purposes of the 1930 Convention, which defines such work as being exacted:

in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population.

¹ These systems are the "contract system" and the "piece-price system". See footnote 8 of this paragraph (p. 208).

² E.g. *Republic of South Africa*. It is not possible to judge, on the basis of the information available with regard to the following countries, whether in this respect the guarantees laid down in the Convention are observed: *Brunei, Burma, Canada, Central African Republic, Dominican Republic, Guatemala, Honduras, Liberia, Seychelles, Sudan, Tunisia*.

³ E.g. *United Kingdom*.

⁴ *R.C.E.*, 1955, p. 43.

⁵ E.g. *Denmark, France, Netherlands, Norway, Sweden, United Kingdom*.

⁶ See above, General Introduction, para. 30.

⁷ See para. 25 above.

59. In most countries for which sufficient information is available legislation providing the possibility to direct persons to work in cases of *force majeure* and decisions taken under such legislation come within the above definition. However, decisions under such legislation are not always communicated in reports and the Committee regrets therefore that it is unable in such cases to be sure that the legislation is, in practice, applied in accordance with the Convention. In many cases the law establishes various guarantees to prevent the authorities from misusing the powers conferred on them in the case of *force majeure*: these include the requirement that, unless it is absolutely impossible, decisions should be taken in accordance with certain procedures¹; strict limitation of the duration for which a state of emergency may be declared²; possibility of appeal to judicial or other tribunals. Obviously, the need to obtain as full information as possible regarding practical application is even more pressing when there are no legal guarantees of this kind.

60. The legislation relating to cases of *force majeure* in force in certain countries is so broad that it does not exclude the possibility of recourse to forced labour in certain circumstances which are not truly cases of *force majeure*.³ In some other countries the legislation purporting to deal with these questions is so general that it may be used to impose forced labour irrespective of the circumstances.⁴ In such cases the Committee must naturally insist that existing legislation be modified or supplemented.

61. Finally, the available information relating to a certain number of countries does not make it possible to determine to what extent and in what manner certain work or services may be exacted in cases of *force majeure*, or to visualise clearly the circumstances considered as constituting such cases.

62. In view of the above comments, it will of course be necessary in the following chapters to refer to the situation in the various countries concerned with regard to forced labour for economic purposes⁵, forced labour as a means of labour discipline or as a punishment for having participated in strikes⁶, and forced labour as a means of political coercion.⁷

63. The application of Article 2, paragraph 2 (*d*), of the 1930 Convention has raised various questions which have made it possible to explain more clearly to governments the exact scope of these provisions. With regard to compulsory cultivation, for example, the Committee has had to stress the fact that compulsory cultivation "of present or imminent necessity"⁸ intended "as a method of precaution against famine or a deficiency of food supplies" is expressly covered by Article 19 of the Convention and should not be considered as coming within the scope of work which may be exacted in the case of *force majeure*.⁹ Similarly, concerning public works—

¹ Consultation of specific bodies or assemblies; obligation to report to particular authorities; adequate publicity for the decision; requirement to announce each requisition of labour, etc.

² The maximum duration often decreases in descending order of the governmental or administrative hierarchy; also, the formal consent of the superior authorities is frequently required for a new decision relating to the same situation or to renew the original decision.

³ See below, Chapter II, para. 85.

⁴ See below, Chapter II, para. 86.

⁵ See below, Chapter II, paras. 85 to 87 and 89.

⁶ See below, Chapter III, paras. 115, 119 and 132 to 134.

⁷ See below, Chapter IV, paras. 167 and 168.

⁸ Article 9 (*b*) of the Convention.

⁹ See the observations and direct requests to various countries. However, it does seem that compulsory cultivation which might have to be imposed as the result of disasters jeopardising the harvest would come within the terms of cases of *force majeure*, provided that it was imposed in order to preserve the existence or well-being of the whole or part of the population.

whether of local ¹ or of general importance—it has had to be pointed out ² that the Convention establishes a distinction between:

- normal construction and maintenance work which, although for public purposes, is not “of present or imminent necessity”; use of forced labour for such work is absolutely prohibited under the 1930 Convention;
- work for public purposes “of present or imminent necessity”, which, while having a certain character of urgency, is not intended to combat a calamity or threatened calamity; use of forced labour for such work is authorised by the 1930 Convention only “as an exceptional measure” and subject to the conditions laid down in various Articles of the Convention; and
- work to combat a calamity or threatened calamity, that is to say work in actual cases of *force majeure*; use of forced labour for such work is authorised by the 1930 Convention.

64. Apart from enabling the meaning of the term “*force majeure*” to be more exactly determined in applying the 1930 Convention, these indications should also permit governments to realise that the 1957 Convention, which contains no general prohibition of forced labour, does not prohibit use of forced labour in cases of *force majeure* as thus defined, when there are guarantees to prevent abuse.³ Even if certain work performed in cases of *force majeure* may contribute to the economic development of a country, use of forced labour in case of *force majeure* does not appear to be prohibited by the 1957 Convention, which states that forced or compulsory labour must be abolished “as a method of mobilising and using labour for purposes of economic development”. However, it must be a genuine case of *force majeure* endangering “the existence or the well-being of the population” and not aimed at economic development.⁴

Minor Communal Services

65. The 1930 Convention does not treat “minor communal services” as forced labour. The Convention defines these terms as follows:

minor communal services . . . performed by the members of the community in the direct interest of the said community . . . provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

66. According to the available information, it seems that in an increasing number of countries the possibility of using coercion to impose such minor services has disappeared. Such work is now performed by paid voluntary labour employed by the community or concessionary undertakings (or outside contractors). However, in a large number of countries—and particularly in regions where the population still lives in a subsistence economy—“minor communal services” are still widely used. Some questions have arisen regarding the exact scope of this expression and the Committee has on several occasions had to specify ⁵ criteria in order to ensure that the limits laid down in the Convention are observed:

- the services must be “minor”, that is to say essentially maintenance work and, in exceptional cases, the erection or improvement of buildings to improve the

¹ Which should be distinguished from “minor communal services”. See paras. 65 to 67 below.

² E.g. direct request to India in 1960.

³ See para. 59 above.

⁴ If legislation relating to so-called cases of *force majeure* makes it possible to impose forced labour in one or the other of the four other cases specified in the 1957 Convention, such legislation should be modified or supplemented.

⁵ See in particular R.C.E., 1961, p. 256.

social conditions of the population of the community itself (a small school, a medical consultation and treatment-room, etc.);

- the services must be “communal” services performed “in the direct interest of the community” of the village and not works intended to benefit a much wider group;
- finally, the population “itself”, i.e. the members of the community which has to perform the services or their “direct” representatives, e.g. the village council, must have the right to be consulted in regard to the need for such services.

67. If it is correct, as stressed by the Committee itself in 1961, that social development is itself a factor in economic development, should it be concluded that the 1957 Convention requires the abolition of forced labour for such “minor services”? It seems that the answer must be in the negative if certain conditions are respected: such minor services cannot be considered as constituting by themselves measures sufficient to “mobilise” manpower and to use it for economic development purposes¹, provided that they are decided upon by the members of each community or their “direct” representatives.

CHAPTER II

Forced Labour for Economic Purposes

INTRODUCTION

68. The temptation to have recourse to forced labour to ensure the economic development of a country is not new. History offers us many examples, and one need not look far into the past to find them. As the Committee recalled in 1961, development needs were invoked in colonial territories after the abolition of slavery to justify the use of certain forms of compulsion: forced labour, penal sanctions, etc.² More recently, between the two world wars, one country in Europe instituted a compulsory labour service for all young persons not conscripted into an army whose strength was limited by treaties.³ Finally, the existence in certain countries of systems of forced labour for purposes of economic development was established in 1953 by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour.

69. However, it was essentially forms of forced labour for economic purposes whose immediate or gradual suppression was provided for by the Forced Labour Convention, 1930 (No. 29). As has been noted⁴, the 1930 Convention provides for the immediate abolition of the following main forms of forced labour: for the benefit of private individuals (whatever the nature of the work); for underground work in mines; for public works (which are not of present or imminent necessity), for com-

¹ When the population itself or its direct representatives decide to perform such work it hardly seems conceivable that forced labour falling within one of the five cases specified in the Convention of 1957 could be involved.

² *R.C.E.*, 1961, op. cit. p. 321.

³ See especially the Act of 26 June 1935 on the Reich Labour Service and the Decree of the Führer-Chancellor (I.L.O., *Legislative Series*, 1935, Ger. 8). It would appear that this system developed into a system of forced labour for political indoctrination (see paras. 2 and 18 above).

⁴ See above, para. 25.

pulsory cultivation (other than that of present or imminent necessity or as a method of precaution against famine or a deficiency of food supplies). It also provides for the gradual suppression of all other forms of forced labour not yet abolished, especially for local or general public works and for compulsory cultivation. Finally, it is clear that, by undertaking to "suppress the use of forced or compulsory labour in all its forms within the shortest possible period¹", governments bound by this Convention have forgone all possibility of recourse to any new forms of forced labour or to any forms which have already been abolished (except in genuine cases of *force majeure* in accordance with the provisions of this Convention examined above²).

70. The Abolition of Forced Labour Convention, 1957 (No. 105), provides for the immediate abolition of any form of forced or compulsory labour "as a method of mobilising and using labour for purposes of economic development". This provision of course covers the various forms of forced labour for economic ends for whose abolition, immediate or gradual, the 1930 Convention provided; but it also refers to other forms of forced labour revealed by the inquiry of the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour in 1953, on which the 1957 Convention was based.

71. As has been seen³, in the period before the Second World War attempts were made to distinguish between forced labour proper (defined in the 1930 Convention) and various means of compulsion to labour. The inquiries made after the war established that in fact vast systems of forced labour for economic purposes could result from the combination of various methods of compulsion to work: measures of a general nature involving a certain degree of constraint in recruiting, assigning or transferring labour; preventing workers from terminating their employment contracts or compulsorily extending contracts; penal sanctions for breaches of contracts or for maintaining labour discipline; restrictions on freedom of movement or employment by means of passes and workbooks; abusive application of vagrancy laws, etc.⁴

72. In so far as these various methods of compulsion to labour—or certain of them—are used more or less systematically or simultaneously, they may in practice lead to the establishment of systems of forced labour permitting the mobilisation and use of labour for purposes of economic development.⁵

73. The examination of available information for the different countries will therefore first deal with the forms of forced labour for economic purposes covered by both the 1930 and the 1957 Conventions. Various other methods of coercion can then be briefly reviewed, the use of which may be contrary to the Convention of 1957 and some of which were already mentioned in the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35).

FORMS OF FORCED LABOUR COVERED BY THE TWO CONVENTIONS

74. Among the various forms of forced labour for economic purposes covered by the two Conventions one may identify, on the basis of the available information: systems relying upon a compulsory labour service (including work not of a purely

¹ Article 1, para. 1, of the 1930 Convention.

² See above, paras. 58 to 64.

³ See above, paras. 33 and 34.

⁴ *Report of the Ad Hoc Committee on Forced Labour*, op. cit. paras. 553 ff.

⁵ Provided, of course, that it is not a matter of labour in actual cases of *force majeure*. See above, paras. 58 to 64.

military character performed by an army recruited by compulsory conscription); forced labour required for public purposes under general or special legal provisions (public works, compulsory cultivation, portage); forced labour for the benefit of private individuals.

Compulsory Labour Services

75. In the large majority of countries no organised system of compulsory labour service exists; furthermore, as has already been indicated, in those countries in which the army is recruited by compulsory conscription the work done by the army seems generally to be of "a purely military character".¹ However, some countries have not provided the information requested in this connection by the Committee; it therefore regrets that it is not able to confirm that in these countries a compulsory labour service for work of a "purely military character" is not in fact imposed under the laws governing military service.²

76. In some countries the legislation does not permit one to ascertain whether, within the framework of their military duties, certain persons may not, in peacetime, be forced to perform work or services of a non-military character.³

77. Repeatedly questioned on whether, in compliance with the 1930 Convention, work and services required under compulsory military service legislation had "a purely military character", the government of one country admitted that all persons liable to call-up under the Act of 1958 concerning regular military service could not be enrolled in the armed forces, by virtue of the restrictions imposed by a Peace Treaty, and that those who could not be assigned to military service were enlisted in the Special Labour Services (construction work and agricultural work, the period of labour service being two years).⁴ The Committee was therefore bound to indicate that such compulsory labour services were expressly forbidden by the 1930 Convention because the work was not of "a purely military character". It further underlined that, contrary to what the government seemed to suggest, such work could also not be considered as part of the citizens' "normal civic obligations".⁵

78. The Committee regrets to note that in some other countries various forms of compulsory labour services which may be used for economic development have recently been instituted.⁶ In several cases the formula adopted is that instituted in Madagascar in 1927 and extended to certain other French territories: all young men liable to call-up who were not enlisted in the armed forces to perform their compulsory military service constituted a "second contingent" used at the Government's discretion for public works in the general interest. As the Committee has indicated⁷, this

¹ See above, para. 41.

² E.g. *Brazil, Byelorussia, Costa Rica, Czechoslovakia, Ecuador, Haiti, Pakistan, Rumania, Sudan, Ukraine, U.S.S.R., Venezuela.*

³ *Norway* (Act. of 17 July 1957, sections 7 and 13); *Sierra Leone* (Constitution, section 15); *Tunisia* (Act of 10 January 1957, section 4).

⁴ *R.C.E.*, 1961, pp. 43-44 (*Bulgaria*).

⁵ See above, para. 46.

⁶ *Chad* (Ordinance No. 2 of 27 May 1961, sections 4 and 7); *Congo (Brazzaville)* (Act No. 16/61 of 16 January 1961, section 4, and Act No. 17/61, section 4, of the same date); *Gabon* (Legislative Decree of 6 December 1960, section 7, and Act No. 19/61 of 12 May 1961, section 4); *Ivory Coast* (Act 61-209 of 12 June 1961, section 19, and Act No. 61-210, section 2, of the same date); *Malagasy Republic* (Labour Code, section 2, and Ordinance No. 60-118 of 30 September 1960, section 5); *Mali* (Act of 11 June 1960, section 1, and Decree No. 301 of 29 October 1960, sections 1 and 2); *Senegal* (Ordinance No. 60/54 of 14 November 1960, sections 21 and 26).

⁷ See especially *R.C.E.*, 1961, p. 256.

system was, after much debate, not accepted by the Conference in 1930: under the 1930 Convention work of this kind executed under the laws governing military service, but not of "a purely military character", must be considered as forced labour and suppressed in compliance with the Convention.

79. France, which had originally made its ratification of the Convention subject to a modification for certain non-metropolitan territories providing for the use of this second military contingent, subsequently cancelled this modification with a view to the complete application of the Convention.¹ All the countries in question which are bound by the 1930 Convention² are obliged, in compliance with Article 1, to "suppress the use of forced or compulsory labour in all its forms within the shortest possible period". They are therefore bound not to institute new forms of forced labour and not to reintroduce those already abolished. Two other countries³ have indicated that the creation of a compulsory civic service is under consideration or envisaged; the Committee hopes that in view of the above comments these plans will be abandoned.

80. One fairly similar system is found in other countries where the army, recruited by compulsory conscription, is used for work not of "a purely military character" (construction work on roads⁴; agricultural work⁵). In one case the Government has indicated on different occasions that this work was to provide "vocational training" with a view eventually to carrying out work of a purely military character, that more and more civilian workers were being employed on such work⁶, and finally that it was done by the army "mainly for financial reasons".⁷

81. In most countries students wishing to obtain a diploma or a permanent position in certain professions are bound to serve a limited preparatory or probationary period in the profession concerned. This kind of obligation, whose non-fulfilment is generally sanctioned only by the refusal of the diploma or position desired, cannot be regarded as constituting forced labour. This is also the case where, before undertaking certain lengthy and expensive studies financed by the State or by other public or private bodies, students must agree to be employed for a specific period in certain positions when they have completed their studies, subject to repayment of the costs of their education on their failure to do so.⁸ It likewise seems unobjectionable, when admission to higher forms of education is gained by competition, that a number of the places available should be reserved for students who have not been successful in previous competitions and who have accepted certain forms of employment during a

¹ I.L.O.: *Official Bulletin*, Vol. XXXVII, pp. 372-373.

² Certain of these countries (*Chad, Gabon, Ivory Coast, Senegal*) are also bound by the Convention of 1957, which obliges them to abolish forced labour as a method of mobilising or using labour for purposes of economic development.

³ *Cameroun, Niger*. See Report III (Part II) 46th Session, 1962, op. cit., pp. 15 and 23. According to certain information, plans for using the army for economic development purposes would seem to be under consideration in France for some of the Overseas Departments.

⁴ *Greece*. See especially *R.C.E.*, 1960, p. 30.

⁵ *Israel*. Direct requests made in 1960, 1961 and 1962 regarding the 1930 Convention and in 1961 and 1962 regarding the 1957 Convention.

⁶ *Greece*. See *R.C.E.*, 1961, p. 44.

⁷ *Greece*. See I.L.O.: *Record of Proceedings*, International Labour Conference, 45th Session (Geneva, 1961), Appendix VI, Second Report of the Committee on the Application of Conventions and Recommendations, p. 747 (Geneva, 1962).

⁸ On the other hand, the unilateral prolongation of such a contract would, except in cases of emergency (see paras. 58 to 64 above), have to be regarded as forced labour falling within the Conventions (see para. 82 above).

specific period.¹ In some countries, on the other hand, all students who have completed their studies, including often young workers who have finished their vocational training may, on pain of various punishments, be compulsorily impressed—sometimes for periods which may be as long as three years—into forms of employment which need not necessarily bear any relation to the technical or professional training which they have received.² Such a system appears to constitute forced or compulsory labour within the meaning of the international labour Conventions.

82. It appears also that one must regard as forced labour the systems in operation in certain countries³ whereby, subject to various penalties, contracts of employment of indefinite duration may not be terminated by the worker by reasonable notice and the period of fixed-term contracts may be unilaterally prolonged by the public authorities.⁴ The same is true of cases in which workers may, subject to various penalties, be transferred without their consent from one undertaking to another which the public authorities regard as requiring “priority”.⁵

83. Finally, in some countries the combined application of various *compulsory* administrative formalities (recruitment or registration, passes, workbooks, etc.) and certain punishments (work discipline, strict or abusive application of laws relating to vagrants or other provisions for the suppression of “idleness”) may lead and often in fact leads to a system of forced labour.⁶ Thus in one country⁷ all young persons from 18 to 23 years of age who have been resident for more than six months in urban centres and who cannot give proof of regular employment are liable to compulsory service either in rural settlement centres or on works of national interest.⁸ The Committee is of course aware that in a number of countries where a great proportion of the people are still living in a subsistence economy there exist various problems of transition, particularly with regard to young people attracted to urban centres. The Committee nevertheless considers that nothing justifies the adoption of such coercive measures, which may in practice be used in order to obtain cheap labour, and which are contrary to the Conventions on forced labour; it should, in the Committee’s view, be possible to adopt a policy for the creation of employment and to have recourse to techniques of persuasion.

*Possibility of Requiring Forced Labour for Public Purposes
under Emergency Provisions, etc.*

84. Disregarding the various cases of compulsion considered in Chapter I (military service, normal civic obligations, prison labour, *force majeure* and minor communal services), which, subject to the observance of certain criteria, are not regarded as forced or compulsory labour, it appears that in the great majority of countries no legal possibility exists for having recourse to forced labour for economic purposes.

¹ This seems to be the system recently introduced in the U.S.S.R.

² E.g. *Rumania* (Decision of the Council of Ministers No. 1434 of 1956, section 23).

³ E.g. *Hungary* (Labour Code, sections 28, 30, 32 and 36).

⁴ *Spanish Guinea* (unless he receives permission from the administration, a native is *bound* to conclude a contract; Ordinance of 9 November 1953 regulating native labour, sections 27, 47 and 55).

⁵ E.g. *Czechoslovakia* (Act of 17 October 1958, sections 5 and 6).

⁶ See also paras. 105 to 108 below.

⁷ *Congo (Brazzaville)* (Act No. 44/59 of 2 October 1959, sections 2 and 5).

⁸ In this country (see paras. 78 and 79 above) young persons liable to compulsory military service may also be assigned to civilian work.

85. In some countries¹, however, as has been shown, the law governing *force majeure* is so broad that the possibility of imposing forced labour for economic purposes (beyond cases of *force majeure* proper) is not excluded. Thus under emergency legislation, which provided for the requisitioning of employees of the essential services, it was possible for one of these countries to order the requisitioning of hotel and restaurant employees. In these countries it is desirable that the law be revised and clarified to avoid all interpretations of this kind and that the possibility be considered of providing adequate guarantees to this effect. In any case it is obviously imperative that the governments endeavour to give in their annual reports as complete information as possible on the different cases in which the legal provisions under consideration have been invoked.

86. The laws in other countries are couched in such general terms that it seems possible to invoke them to prescribe forced or compulsory labour in all or nearly all circumstances; as, for example, when the law provides for the requisitioning of persons "when circumstances warrant it"² or "to carry out shock operations or work of extreme urgency which cannot be delayed by reason of its importance"³, or "to avoid a menace to the country's economy"⁴, or in cases "of shortage of labour in carrying out important state work"⁵. It is clearly not sufficient in such cases that governments in their reports give the assurance that these provisions are obsolete⁶ or are only used in cases of *force majeure* properly so-called⁷; it is absolutely imperative, for the application of international standards, to repeal, to modify or to supplement the legal provisions in question.⁸

¹ E.g. *Cyprus* (Supplies and Services (Transitional Powers) Order, 1946, section 79 A); *British Guiana* (Emergency Order, section 49); *British Honduras* (Constitution Ordinance, cap. 3); *India* (various state laws and regulations); *Israel* (Emergency Regulations (Mobilisation of Manpower) Ordinance, 1948); *Kenya* (Preservation of Public Security Ordinance); *New Zealand* (Protection of Public Security Ordinance, 1932); *Singapore* (Emergency Regulations Ordinance); *Southern Rhodesia* (Emergency Powers Act, 1960); *Zanzibar* (Emergency (Miscellaneous) Regulations, 1961).

² *Congo (Brazzaville)* (Act No. 24/60, section 1).

³ *Czechoslovakia* (Government Order No. 40 of 1953, section 1).

⁴ *Hungary* (Labour Code, section 139).

⁵ *Ukraine* (Labour Code, section 11); *U.S.S.R.* (Labour Code of the R.S.F.S.R., section 11).

⁶ *U.S.S.R.*

⁷ *Hungary*.

⁸ Governments might have regard, for example, to the following provisions which, subject to minor variations, are in force in several countries:

(a) *Requisitioning of Persons.*

Compulsory services "to maintain public safety, peace and health in exceptional circumstances due to accident, commotion, shipwreck, flood, fire, epidemic or other calamities, or in cases of brigandage, looting, the actual commission of offences or disturbances".

(b) *Proclamation of a State of Emergency.*

"1. If at any time it appears to the Government that any action has been taken or is immediately threatened by any persons or body of persons of such a nature and on so extensive a scale as to be calculated, by interfering with the supply and distribution of food, water, fuel, or light, or with the means of locomotion, to deprive the community, or any substantial portion of the community, of the essentials of life, the government may, by proclamation, declare that a state of emergency exists.

No such proclamation shall be in force for more than one month, without prejudice to the issue of another proclamation at or before the end of that period.

2. Where a proclamation of emergency has been made the occasion thereof shall forthwith be communicated to the Houses of the Legislature.

3. The Houses of the Legislature shall meet immediately.

4. (1) Nothing in this Act shall be construed to authorise the making of any orders imposing any form of compulsory military service or industrial conscription.

(2) Nothing in this Act or any order made under this Act shall make it an offence for any person or persons to take part in any strike or peacefully to persuade any other person or persons to take part in a strike."

87. Finally, information concerning some countries ¹ is not sufficient to allow the Committee to ascertain whether labour or services required under the law governing cases of *force majeure* are effectively required only in cases of *force majeure* properly so called, or whether these provisions could be used to impose forced labour. The same applies for countries ² which have not yet given the information requested on this subject.

Forced Labour for Public Works

88. In some countries ³ the law expressly provides for the possibility in normal times of requiring the population or a part of the population ⁴ to perform forced labour for the execution of public works such as building and repairing roads, bridges, dams, etc., laying irrigation and drainage systems, protecting soil against erosion, etc. The Committee considers that these obligations should now be abolished.

89. In some cases ⁵, public works of this nature may be required under legal provisions which clearly give too wide a scope to the notion of *force majeure*. In others these public works may be required under provisions which, while purporting to relate to "minor communal services" in reality permit the execution of work of only indirect benefit to the members of the community from whom the work is required, or which is for the benefit of more than the village community.⁶ In this connection, the Committee has already stressed the various criteria for work to be considered as "minor communal services" properly so called.⁷ It also wishes to underline especially that one of the fundamental guarantees in this respect consists in the right of the population itself or its direct representatives to take the decision calling for work of this kind.⁸

90. Local or general public works can also, contrary to the provisions of the Convention, be required in the various countries mentioned above whose legislation allows all kinds of forced labour to be imposed for public purposes, under general provisions which can apparently be invoked whatever the circumstances and whatever the work.⁹

91. Finally, the Committee must recall that under the 1957 Convention all forms of forced or compulsory labour for economic purposes must be abolished immediately in all countries where the Convention is in force. When only the 1930 Convention is

¹ Japan, Mali, Malta, Mauritania, Morocco, Tunisia.

² E.g. Austria, Brazil, Guinea, Haiti, Iceland, Pakistan, Portugal, Rumania, Venezuela.

³ This seems to be the case in Burma, China, Congo (Leopoldville), Fiji, Kenya, Liberia, Northern Rhodesia, Portugal (Overseas Provinces), Ruanda-Urundi, Solomon Islands, Southern Rhodesia, Sudan, Swaziland.

⁴ In some of these cases the question arises to what extent the forced labour thus required ought not to be considered forced labour "as a means of discrimination". See below, Chapter III.

⁵ See above, paras. 86 and 87.

⁶ Basutoland, Bechuanaland, Canada, Cook Islands, Denmark, Gilbert and Ellice Islands, India, Kenya, Nigeria, Sarawak, Solomon Islands, Tokelau Islands.

⁷ See above, Chapter I, paras. 65 to 67.

⁸ The information concerning certain countries is insufficient to indicate whether minor communal services in fact exist; e.g. Dominican Republic, Ecuador, Greenland, Spain, U.S.S.R. Moreover, the following countries have provided no information on the subject: Austria, Brazil, Byelorussia, Costa Rica, Czechoslovakia, Guinea, Iceland, Iran, Pakistan, Portugal, Rumania, Sudan, Ukraine, United Arab Republic, Venezuela.

⁹ See above, para. 86.

in force, the legislation permitting the imposition of this sort of work should contain precise regulations under which all the guarantees provided for in the various Articles of the Convention are granted.¹

Compulsory Cultivation

92. The power to impose compulsory cultivation is expressly provided for in the legislation of a number of countries.² In certain of these countries the law contains fairly precise provisions giving, in compliance with the 1930 Convention, all the necessary guarantees to the people of whom such forced labour may be required. In some of the countries, the legislation concerning compulsory cultivation applies only to a part of the agricultural population.³

93. Finally the question arises whether and to what extent, under various legal provisions, a system of compulsory cultivation is required of private farmers and members of co-operatives of agricultural producers in certain countries.

94. The Committee considers that the international standards require that all forms of compulsory cultivation be abolished.

Forced Labour for Transport

95. Provisions permitting the imposition of forced labour for transport are at present in force only in a very few countries.⁴ In one case the law permits the requisitioning of porters in situations which apparently cannot be considered cases of *force majeure*.⁵

96. In one case⁶ the Committee has repeatedly pointed out that the legislation relating to portage—which moreover does not contain all the guarantees laid down in the 1930 Convention—is still in force more than 30 years after the entry into force of the Convention for the country concerned. A no less serious case is that of a country where this form of forced labour had been legally abolished and where new legislation permits the requisitioning for these purposes of inhabitants of regions deprived of mechanised transport.⁷

Forced Labour for the Benefit of Private Individuals

97. In accordance with the international standards, this form of forced labour must in all cases be immediately abolished. In fact it appears that this form of forced labour exists only in a small number of countries, and often in a very limited form.

¹ See below, para. 99.

² *Bechuanaland* (African Administration Proclamation 1956, section 25); *Central African Republic* (Act No. 60-109 of 27 June 1960, section 28 and Act No. 60-112 of 20 June 1960, section 1); *Congo* (*Leopoldville*) (Decree of 10 May 1957, section 72); *India* (Mysore Irrigation Act, section 16A); *Liberia* (Aborigines Law, section 423); *Federation of Malaya* (Straits Settlement Rice Cultivation Ordinance, Malacca Lands Customary Rights Ordinance, Cultivation of Rice Enactment of the Negri Sembilan); *North Borneo* (Native Rice Cultivation Ordinance); *Nyasaland* (Native Authority Ordinance, section 10); *Northern Rhodesia* (Native Authority Ordinance, section 9); *Portugal* (Native Labour Code, section 296); *Ruanda-Urundi* (Decree of 10 May 1957, section 72); *Sarawak* (Local Authority Ordinance, 1948, section 27); *Southern Rhodesia* (Native Land Husbandry Act, section 53; Native Affairs Act, section 50); *Uganda* (Native Authority Ordinance, section 10).

³ *India, Liberia, Federation of Malaya, North Borneo, Nyasaland, Portugal, Uganda.*

⁴ *Fiji, Sarawak, Tanganyika, Uganda.*

⁵ *India* (Regulation No. 11 of 1953 of the Naga Hills District (requisitioning of porters)).

⁶ *Liberia* (Aborigines Law, sections 240 to 248).

⁷ *Congo (Brazzaville)* (Act No. 24/60 of 11 May 1960, section 3).

In some cases this possibility is provided for only in the case of persons convicted by a court of law or detained in prison.¹

98. In one case this form of forced labour results from the intervention of tribal chiefs in the recruiting of labour for the benefit of private persons.² Finally, in one case it seems to result indirectly from provisions for the repair and maintenance of irrigation works.³

Need for Precise Regulations on Forced Labour

99. The 1930 Convention required that the various forms of forced labour to which recourse was permitted as a transitional measure should be the subject of very precise regulations⁴, which should determine the authorities competent to decide on recourse to forced labour⁵, the maximum period of such labour in any year⁶, the daily and weekly duration of such labour⁷, the remuneration of forced labourers⁸, their protection against work accidents and occupational diseases⁹, the opportunity of persons performing forced labour to forward complaints¹⁰ and the penal sanctions for illegal exaction of forced labour.¹¹ In all countries where these various forms of forced labour—or some of them—still exist, the Committee must insist upon the promulgation and strict application of such regulations.

FORMS OF FORCED LABOUR COVERED BY THE 1957 CONVENTION

100. The systematic or simultaneous use of various forms of compulsion to work and certain administrative formalities may lead in practice to the establishment of systems of forced labour as “a method of mobilising and using forced labour for purposes of economic development”. Some of these forms of compulsion were dealt with in the Forced Labour (Indirect Compulsion) Recommendation 1930 (No. 35). The existence of other forms of compulsion has been revealed by the inquiry carried out by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour and also by the information available to the Committee.

101. Some of the forms of indirect compulsion to work whose existence was pointed out by the International Labour Conference already in 1930—such as the imposition of excessive taxes and of restrictions on the possession, occupation or use of land—are hardly likely to play an important part in this regard in countries where a subsistence economy has more or less disappeared. On the other hand, in countries where large sections of the population are still living within a subsistence economy, these forms of compulsion may still in practice be used to establish more or less organised systems of forced labour.

¹ Ivory Coast, Republic of South Africa.

² Liberia (Aborigines Law).

³ India (Act of 1948 on compulsory work in the state of Orissa, modified by Act No. 10 of 1955).

⁴ Article 23 of the Convention. See also the Forced Labour (Regulation) Recommendation, 1930 (No. 36).

⁵ Articles 7, 8 and 10.

⁶ Article 12.

⁷ Article 13.

⁸ Article 14.

⁹ Article 15.

¹⁰ Article 23.

¹¹ Article 25.

102. The information available concerning the use of land relates principally to non-metropolitan territories.¹ Generally such information would suggest that this indirect form of compulsion is rarely used now in any systematic way to make persons still living in traditional rural communities take wage-earning employment. On the contrary, very often various measures of protection² have been taken to prevent rural inhabitants from disposing of their land at excessively low prices.

103. With regard to taxation, the available information is generally too fragmentary for any definite conclusion on each case or for any detailed analysis of the situation in the various countries in this connection. Moreover, it should be borne in mind that certain new forms of taxation³, which are tending increasingly to replace the capitation taxes whose effect in compelling persons to work has often been denounced, appear capable in practice of producing similar results. Sufficiently detailed information in this regard should therefore be supplied by governments in their reports on the application of the 1957 Convention.

104. The work of the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour showed that in certain cases prison labour may become an important factor in a country's economy. The position differs greatly, however, from one country to another with regard to the more or less precise definition of various offences, the periods of punishment and the actual practice followed by both courts of law and prison authorities. The only way of reaching a conclusion is therefore to obtain information on the numerical size of prison labour, the conditions of work (hours of work, etc.), the nature of the work on which prisoners are employed, etc. For a number of countries, it would not be difficult to supply these particulars, since the prison authorities publish periodically—in most cases annually—a report on the operation of the prison services containing all such information.

105. One form of compulsion to work which is most frequently used now seems to be the extension of the meaning of vagrancy. There are great differences from one country to another in the legal definition of vagrancy. In view of this great variety of definitions, it is often very difficult to determine in what cases the notion of vagrancy may be applied abusively as a means of compulsion to work or of obtaining cheap labour. However, certain very broad definitions of vagrancy, in respect of which, in addition, there exist no judicial procedures ensuring all necessary guarantees for protecting the right of defence⁴, would appear to permit the establishment of systems of forced labour as a means of mobilising or using labour for purposes of economic development. This seems to be the case also when prisoners—particularly persons convicted of vagrancy—are placed at the disposal of private persons.⁵ In other cases, only information on the practical application of vagrancy laws (the number of convicted persons, period of work, etc.) would indicate the cases in which these laws might be open to abuse.

¹ The principal source is provided by the reports on the application of the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), which is to be revised this year by the Conference so as to permit its ratification and application by independent States.

² Establishment of "family property", prohibition of purchase of land by persons not belonging to the area, development of agricultural credit schemes, etc.

³ Income tax with a minimum rate which all persons must pay when their income does not exceed a certain amount; real property tax; tax on the area of land occupied (or cultivated); tax on dead or live stock, etc.

⁴ *Dominican Republic* (Penal Code, sections 270 and 271); *U.S.S.R.* (Ukase of the Praesidium of the Supreme Soviet of the R.S.F.S.R. of 4 May 1961 (*I.L.O. Legislative Series*, 1961, U.S.S.R. 1)).

⁵ *Republic of South Africa*.

106. The obligation of all or of some classes of persons to be in possession of a "pass" or of an internal "passport" seems to exist only in a comparatively small number of countries.¹ In some countries², there is an obligation for all workers to have a "workbook" which is usually kept by the management of the undertaking where the person is employed and in which the reasons for the worker's departure must be entered. Finally, in one country³, all "natives" must be supplied with a "document" which appears to contain, *inter alia*, the information required both in a "pass" and in a "workbook". The existence of such provisions would appear to facilitate the use of forced labour for purposes of economic development contrary to the Convention. This seems to be the case when such compulsory administrative formalities are supplemented by other indirect forms of compulsion such as, for example, extension of the meaning of vagrancy.⁴

107. The combination of a system of compulsory recruitment and of sanctions certainly constitutes a form of forced labour which is prohibited by the two Conventions.⁵ But even when the recruitment of labour is not generally of a compulsory nature, experience shows that it leads in practice to a similar result if certain guarantees are not provided and effectively applied. This is especially so in the case of populations still living within a subsistence economy. Apart from pressure exerted by the authorities (whether administrative or tribal) certain more or less fraudulent devices employed by some recruiting agents may in practice vitiate a recruited worker's consent to such an extent that one may consider that he has not "offered himself voluntarily". The guarantees called for in this respect have been indicated in the Recruiting of Indigenous Workers Convention, 1936 (No. 50). Most of the information available on this matter relates to non-metropolitan territories or certain newly independent States and seems to indicate that in general the required guarantees exist.⁶ However, in certain cases, the existing legislation appears to contain only a relatively small number of the guarantees provided for in the international standards.⁷

108. Penal sanctions for breach of labour discipline (or breach of contracts of employment), which also constitute a form of indirect compulsion to work, will be considered in Chapter III below.

109. Finally, it should not be overlooked that the various forms of forced labour considered in greater detail in the chapters which follow may also, if employed intensively and systematically, constitute forced labour for economic purposes. It is accordingly also necessary to obtain as full information as possible on the manner in which the legislative provisions in question are applied in practice to ascertain whether they constitute an important factor in the economy of the respective countries.

¹ E.g. *Southern Rhodesia*.

² E.g. *U.S.S.R.* (Decree of 20 December 1938).

³ *Republic of South Africa*.

⁴ See para. 105 above.

⁵ See also para. 83 above.

⁶ See, e.g., *R.C.E.*, 1961, pp. 258 ff.

⁷ *Liberia* (Labour Recruitment Law, 1961).

CHAPTER III

Forced Labour for Social Purposes

INTRODUCTION

110. Forced labour for economic purposes and forced labour as a means of political coercion are, undoubtedly, the two main forms of forced labour. However, there are also various other forms of forced labour whose use for economic or political ends is not necessarily precluded but whose principal common characteristic seems to be of a social nature: individual or collective labour relations, relations among groups or individuals of different racial or social origins, religions or nationalities.

111. The three main forms of forced labour of this kind are specifically covered in the Abolition of Forced Labour Convention, 1957 (No. 105): forced labour "as a means of labour discipline", "as a punishment for having participated in strikes", or "as a means of racial, social, national or religious discrimination". Most of the information available relates to these three forms of forced labour, the abolition of which is provided for in the 1957 Convention. In a small number of countries, however, there is still forced labour for the benefit of the chiefs of traditional tribal groups.¹ This kind of forced labour was to be gradually abolished under the 1930 Convention.

SECTION I. FORCED LABOUR AS A MEANS OF LABOUR DISCIPLINE

112. In the general observations with which it concluded its report, the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour stated that in its opinion the problem of penal sanctions for breaches of contracts of employment, which the International Labour Organisation had already considered in connection with indigenous workers², should also be examined in connection with workers in fully self-governing countries.³ It was on the basis of this recommendation, in particular, that it was suggested that "forced or compulsory labour as a means of labour discipline should be abolished".⁴

113. The penal sanctions involving forced labour which the *Ad Hoc* Committee had found to exist in various countries were imposed in most cases by courts of law and sometimes by administrative authorities. In either case a worker who had stayed away from work without a valid reason, who had arrived too often late for work, who had been guilty of negligence, who had not reached the prescribed labour norms or who had not observed rules was sentenced and served his sentence in the same way as ordinary offenders. The same penalties were applicable if workers did not accept a transfer to other undertakings or did not continue to work in the undertakings to which they were assigned.

114. On the basis of the indications contained in the report of the *Ad Hoc* Committee and the text of the Convention, which provides for the abolition of "any form

¹ *Bechuanaland* (African Administration Proclamation), *Swaziland*.

² Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65). That Convention was subsequently revised by the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104). See in this connection above, Chapter I, para. 33, footnote 2.

³ *Op. cit.*, para. 559.

⁴ See *Forced Labour*, Report VI (1), *op. cit.*, pp. 9, 20 and 29.

of forced . . . labour . . . as a means of labour discipline", it is clear that the 1957 Convention covers forced labour by persons sentenced to imprisonment as well as any other form of forced labour which could be used as a means of labour discipline. Moreover, in countries where the 1930 Convention is in force, penalties involving forced labour may in principle be imposed only by a court sentence.¹

115. In most countries there exist penal sanctions involving forced labour which apply in particular circumstances (to persons requisitioned for work in emergencies², persons sentenced to prison labour³ for common law offences, etc.) or when the particular nature of the profession or employment calls for special rules of discipline (members of the armed forces⁴ or the police, prison warders, firemen, coastguards, customs officials) or are imposed to prevent desertion from an essential post from the point of view of security in circumstances which may cause serious accidents (lighthouse keepers, pointsmen, etc.). Although, as has been seen, the 1957 Convention is of general application⁵ and does not provide for any exceptions, the Committee considers that it would be reasonable to recognise that the Convention does not have the effect of prohibiting the possibility of laying down sanctions involving forced labour in these special cases. However, the possibility of imposing penal sanctions involving forced labour should be allowed only in exceptional circumstances. In cases not involving similar gravity, it is always possible, without contravening the Convention, to have recourse to other disciplinary penalties since, in so far as labour discipline is concerned, the Convention relates only to forced labour (including prison labour).

116. Thus it does not seem compatible with the Convention to prescribe—as do the laws of certain countries—penal sanctions involving forced labour as a punishment for anyone employed in certain undertakings who breaks his contract without notice. Mention may be made, by way of example, to the legislation which in certain countries applies generally to all postal⁶ or railway⁷ employees. Such provisions should accordingly be re-examined to determine whether it is necessary to keep them in force in respect of employees of these services occupying posts essential for security and, if so, to limit their application to such employees.

117. In a large number of countries, legislation governing conditions of work of merchant seamen or fishermen⁸ contains various provisions permitting the imposition of penal sanctions involving forced labour in respect of certain breaches of labour discipline. In certain cases these sanctions apply in circumstances more or less similar to those previously mentioned with respect to posts essential for safety and the special nature of certain occupations. This is the case, for example, when they aim at the maintenance of discipline on board ship at sea. However, in certain cases penal sanctions involving forced labour apply to breaches of labour discipline in circum-

¹ See above, Chapter I, paras. 47 to 57.

² See above, Chapter I, paras. 58 to 64.

³ See above, Chapter I, paras. 47 to 57.

⁴ See above, Chapter I, paras. 40 to 45. The question might, however, arise with regard to conscientious objectors in relation to Article 1, para. (a), of the 1957 Convention.

⁵ See above, General Introduction (para. 26).

⁶ For example, *Iraq* (Post Office Act 1930, section 48); *Sarawak* (Post Office Ordinance, section 60); *Singapore* (Post Office Ordinance, section 607). On the other hand, it seems that in *India* (Post Office Act, section 50), the punishment would take the form of simple imprisonment not involving an obligation to work.

⁷ *Iran* (Railway Administration Rules, sections 35 and 36).

⁸ Including state-owned merchant ships and fishing boats. As regards warships, see para. 115 above.

stances in which there is no justification for recourse to such coercive measures. It accordingly appears desirable that governments of countries in which the 1957 Convention is in force should undertake a careful review of the provisions of their national legislation concerning conditions of employment of seamen, if possible in consultation with the shipowners and seamen of their countries, to seek to determine the cases in which the maintenance in force of certain sanctions involving forced labour may be justified by special circumstances or the special characteristics of the occupation, so that all provisions merely surviving from the past which provide similar sanctions in other cases may be repealed. It may be noted in this connection that in certain countries¹ the legislation concerning seamen appears to provide for no sanctions involving forced labour.

118. Subject to the above remarks, it would appear from the information available that in the large majority of countries there exist no legal provisions permitting recourse to forced labour as a means of labour discipline.² However, the information in regard to certain countries is not sufficient to determine whether this is the position.

119. In countries where there are not sufficient safeguards for emergencies in the strict sense³, where work exacted in virtue of compulsory military service laws is not of a purely military character⁴, where work in prisons is not exacted as a consequence of a conviction in a court of law⁵ or where "minor communal services" are not decided at the village level⁶, penal sanctions involving forced labour in these cases should be repealed under the Convention.

120. In a certain number of countries the obligation on a worker to reimburse any advances on his wages is still subject to sanctions involving forced labour. In certain cases such provisions are accompanied by presumptions against the worker; for example, when the worker's fraudulent intention is proved by the mere fact that his work has not been done within the agreed time limit.⁷ Such provisions are not compatible with the Convention.

121. In a certain number of other countries, workers, or certain among them⁸, may be subject to penal sanctions, often—contrary to the provisions of the Convention—involving forced labour, for various breaches of their contracts of employment.⁹

¹ E.g. *United States*.

² With the exception, in certain countries, of the existence of sanctions involving forced labour in respect of seamen (see above, para. 117).

³ See above, Chapter I, paras. 58 to 64.

⁴ See above, Chapter I, paras. 40 to 45.

⁵ See above, Chapter I, paras. 47 to 57.

⁶ See above, Chapter I, paras. 65 to 67.

⁷ *Dominican Republic* (Act No. 3143 of 11 December 1951, sections 1 to 3).

⁸ When such provisions affect only certain workers they are of a discriminatory nature. See below, para. 149.

⁹ For example: *Bahamas* (Contracts of Service Ordinance, section 16); *Basutoland* (Native Labour Proclamation, sections 23 and 40—the fine may be converted into imprisonment with an obligation to work); *Bechuanaland* (Native Labour Proclamation, 1942, section 40); *Canada* (North-West Territories) (Masters and Servants Act, section 4—the fine may be converted into a sentence of imprisonment); *Ecuador* (Labour Code, sections 115 and 172); *Iraq* (Penal Code of Baghdad, section 30 (c): Criminal Procedure Rules modified in 1919); *Kenya* (Employment Ordinance, section 67); *Netherlands New Guinea* (Ordinance of 3 October 1911, section 6); *Sarawak* (Penal Code, section 490); *Southern Rhodesia* (Native Labour Regulation Act, section 23; Masters and Servants Act, sections 47, 48, 63 and 64); *Turkey* (Labour Code, section 130); *Zanzibar* (Penal Decree, section 118).

122. In addition, in a few countries various provisions of a general character are so drafted that they seem capable of being applied to exact forced labour as a means of labour discipline.¹

SECTION II. FORCED LABOUR AS A PUNISHMENT FOR HAVING PARTICIPATED IN STRIKES

123. The 1930 Convention has no express provision relating to participation in strikes, but under that Convention forced labour as a punishment for having participated in strikes may be exacted only as a result of a conviction in a court of law. The 1957 Convention, on the other hand, requires the abolition of "any form" of forced labour on this ground, accordingly including prison labour. Account should however, be taken of the discussions which took place at the Conference when the Convention was adopted. This matter gave rise to lengthy discussion both in committee and in plenary sittings of the Conference, and it was agreed in this connection "that in certain circumstances penalties could be imposed for participation in illegal strikes and that these penalties might include normal prison labour".² The difficulty therefore seems to lie in determining what are the "circumstances" in which participation in a strike may validly be deemed "illegal" and punished with forced labour.

124. It seems that forced labour as a punishment for having participated in strikes is not to be prohibited in the following cases:

- (a) if the strikes occur during work performed in emergencies which it is essential to carry out owing to circumstances that seriously endanger the existence of the whole or part of the population (on condition, of course, that there are all the necessary safeguards to prevent abuses)³;
- (b) if the work is of a purely military character⁴;
- (c) in the case of prison labour imposed on common law offenders in consequence of a conviction in a court of law⁵;
- (d) in the case of "minor communal services" decided on by the population itself or by its representatives.⁵

125. It seems that it should also be accepted that the Convention does not preclude the possibility of imposing penal sanctions involving forced labour in order to punish certain breaches of the ordinary law when such breaches are committed *in connection* with a strike (assault, intentional destruction of equipment and goods, etc.).

¹ For example, *Haiti* (Decree of 8 December 1960, section 3); *U.S.S.R.* (R.S.F.S.R.: Penal Code, section 69; Ukase of the Praesidium of the Supreme Soviet dated 4 May 1961 (I.L.O., *Legislative Series*—U.S.S.R. 1)).

² I.L.O.: *Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957, op. cit., p. 709, Report of the Committee on Forced Labour, para. 14.

³ See above, paras. 58 to 64.

⁴ See above, para. 115. This issue will not be considered here in relation to members of the armed forces and the police, etc.; under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the extent to which the guarantees provided for shall apply to these particular categories are to be determined by national laws and regulations.

⁵ See above, para. 115.

126. As explained by the Governing Body Committee on Freedom of Association¹ and by this Committee itself², strikes are an essential means for workers of defending their occupational interests. In many countries, however, it is sought to arrive at a system adapted to national conditions that will enable the parties to reach agreement without the workers having to go on strike in support of their claims. The systems used for the purpose vary considerably from one country to another, but it seems possible to distinguish between, first, procedures which must statutorily be followed *before* a strike and where ultimately there is no prohibition of the strike; secondly, procedures which constitute an alternative to a strike either because the parties agree to follow them voluntarily or because they are imposed in "essential services"; and thirdly, cases in which all strikes are forbidden.³ Nor should it be forgotten that the 1957 Convention is not intended to provide for the workers' right to strike; it merely prohibits the use of forced labour as a punishment for having participated in strikes. Finally, it should be noted that in quite a considerable number of countries sanctions which may be applied in the case of illegal strikes are not penal sanctions and do not involve any form of forced labour. They are merely civil sanctions (damages, dismissal without notice, etc.).

Procedures to Be Followed before Calling a Strike

127. In many countries it is sought to prevent strikes by various means—mediation, conciliation, arbitration. When such procedures are created by agreement between the parties the question of penalties involving forced labour does not seem to arise.⁴

128. When the procedures to be followed before a strike are laid down by law⁵ it is very common for them to be accompanied by penalties, which may in certain cases involve prison labour, applicable to persons who have taken part in an "illegal" strike because they have not followed the prescribed procedures *before* going on strike. Such procedures do not lead to a prohibition of strikes; their effect is merely to ensure that every effort will be made to avoid a strike, if possible. These procedures should, however, be simple and speedy, as is recommended by the international instruments

¹ Cf. First Report, Case No. 32 (*United Kingdom/Uganda*), paras. 87-92; Fourth Report, Case No. 29 (*United Kingdom/Kenya*), paras. 137-139; Sixth Report, Case No. 11 (*Brazil*), para. 75, and Case No. 40 (*France/Tunisia*), paras. 384-564; 17th Report, Case No. 73 (*United Kingdom/British Honduras*), para. 72; 22nd Report, Case No. 148 (*Poland*), paras. 66-106; 24th Report, Case No. 146 (*Colombia*), paras. 259-284; 26th Report, Case No. 136 (*United Kingdom/Cyprus*), paras. 112-145; 27th Report, Case No. 143 (*Spain*), paras. 85-187; 30th Report, Case No. 172 (*Argentina*), para. 178; 54th Report, Case No. 179 (*Japan*), para. 54; 58th Report, Case No. 192 (*Argentina*), para. 447; 60th Report, Case No. 143 (*Spain*), paras. 54-55; Case No. 191 (*Sudan*) paras. 155-160, and Case No. 274 (*Malaya*), paras. 266-270.

² R.C.E., 1959, para. 68, pp. 114-115.

³ On these various systems see in particular the General Remarks of the Committee of Experts in 1959 on freedom of association and protection of the right to organise, collective bargaining and collective agreements; R.C.E., 1959, pp. 101 ff.

⁴ This is the case in a large number of countries, including the *United Kingdom* and many British territories (except in essential services).

⁵ This seems to be the position in many countries—

- (a) for essential services: in many United Kingdom non-metropolitan territories, e.g. *North Borneo* (Arbitration (Essential Services) Ordinance);
- (b) for non-essential services: in many countries whose legislation is derived from French law. In most of these countries, however, only civil sanctions are provided for: see para. 126 above.

which deal with these matters¹, so as to ensure that in practice workers are not deprived of one of the basic methods available to them of securing their demands. In these cases, therefore, it is necessary that governments should supply information on the practical application of the law.

Procedures Intended to Constitute an Alternative to Strikes.

129. Among such procedures a distinction should be drawn between those which are accepted by the workers and those which relate to workers employed in essential services.

Procedures Accepted by the Workers.

130. In certain countries² conciliation and arbitration machinery established by law is *made available to the parties*. Workers and employers are not bound to make use of such machinery, but when they agree to do so the decisions, including arbitration awards, are binding on them. When the workers have agreed to follow such a procedure they no longer have the right to go on strike; if they do so, the strike is "illegal" and they are liable to penalties which may involve forced labour. In such cases it seems that the penalties in question are designed to punish, not participation in a strike, but the infringement of certain freely accepted rules.

131. A very similar situation exists in certain countries³ where workers' organisations which wish to obtain certain "benefits" by securing registration thereby renounce any right to strike and undertake to submit their claims to arbitration. If the workers were to go on strike in spite of these undertakings they would be liable to certain penalties, but it seems that in practice such penalties do not involve forced labour.

Procedures for Workers in Essential Services.

132. In a large number of countries workers employed in essential services may not go on strike, subject to penal sanctions which sometimes involve forced labour. However, as always recommended by the Governing Body Committee on Freedom of Association⁴, there are various procedures which generally end in arbitration, with awards binding on both parties.⁵ Provided that "essential services" are not defined in too extensive terms, that is to say when they are limited to services whose interruption would give rise to an emergency, it seems that it can be accepted that this is one of the "circumstances" in which it was agreed⁶ that the Convention does not prohibit the imposition of penalties involving prison labour for having taken part in an "illegal strike".

133. It should, of course, not be forgotten that the definition of "essential services" can vary quite considerably according to circumstances: in certain cases the operation of certain industries which do not normally have this character may

¹ The Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), para. 3 (1); the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), Article 5; the Plantations Convention, 1958 (No. 110), Article 55.

² E.g. *Canada* (Industrial Relations and Labour Disputes Act).

³ E.g. *Australia* and *New Zealand*.

⁴ 24th Report, Case No. 146 (*Colombia*), para. 280; 54th Report, Case No. 179 (*Japan*), para. 55; 60th Report, Case No. 191 (*Sudan*), para. 160, and Case No. 274 (*Libya*), para. 270.

⁵ E.g. *North Borneo* (Essential Services Arbitration Ordinance); *Kenya*; *Malaya* (Trade Disputes Ordinance).

⁶ See above, para. 123.

become absolutely essential. This may be so, for example, after a very big strike that has already lasted a long time, if the particular stoppage is likely to hinder the normal operation of "essential services" in the strict sense, or to constitute a serious threat to the economic position of the entire country.

134. It seems, however, that the definition of "essential services" adopted in certain countries is extremely broad and covers industries and services which should not as a rule be regarded as such.¹

General or Special Prohibition of Strikes

135. In a few countries all strikes are forbidden, in any employment or occupation, either in virtue of express provisions² or in virtue of provisions of a general nature which may be applied to suppress strikes.³ When such a prohibition is accompanied by penal sanctions involving forced labour it is manifestly contrary to the Convention.

136. The same is true when such a general prohibition is accompanied by a variety of procedures imposed on workers⁴, on pain of forced labour, when the occupations to which they relate are not "essential services" in the strict sense⁵, or again when workers are prohibited from striking in certain cases on pain of sanctions involving forced labour.⁶

137. In addition there are a few countries in which strikes seem to be forbidden, subject to penal sanctions, for workers in certain industries which it seems hardly possible to regard as essential services. This is so, for example, in the case of the wood pulp industry.⁷ The same result obtains in other cases because the workers' unions in certain sectors may, in the event of a strike, be prosecuted for conspiracy or restraint of trade; this is often so in agriculture.⁸ All these prohibitions must, to the extent that they are punishable by forced labour, be regarded as incompatible with the 1957 Convention. In the case of seamen and fishermen the question of the right to strike is similar to that of labour discipline and should also be examined by governments.⁹ It seems, moreover, that in certain countries the law prohibits strikes

¹ This is apparently the case, *inter alia*, in *Brazil* (Penal Code, section 201; Legislative Decree No. 9070 of 14 March 1946, sections 3 and 14); *China* (Law of 1928, amended in 1953, sections 36 and 39; *Costa Rica* (Labour Code, sections 368 and 369); *Cyprus* (provisions already cited); *India* (Essential Services (Prevention of Strikes) Ordinance, 1951, although it seems that the penalty laid down under sections 4 and 5 would be one of ordinary imprisonment which does not involve an obligation to work); *Iraq* (Ordinance on Industrial Disputes and Protection of Property, sections 8 and 9); *Switzerland* (Act of the Canton of Fribourg dated 17 February 1923).

² This is apparently the case, *inter alia*, in *Portugal* (including the Overseas Provinces), Legislative Decree No. 23870, dated 18 May 1934; *Spain* (Penal Code, section 222; Law of 30 July 1959, section 2 (c), Decree of 21 September 1960, section 2); *Spanish Guinea* (Penal Code, section 222; Ordinance of 1953 relating to Native Labour, section 145, paras. 3 and 11, and section 147; *Turkey* (Labour Code, section 72; however, the new Constitution, section 47, recognises the right to strike); *United Arab Republic* (Labour Code, sections 180 to 203).

³ *Brunei* (Penal Code, sections 120 A and 120 B); *U.S.S.R.* (Penal Code of the R.S.F.S.R., sections 69, 137, 170, 171 and 194).

⁴ *Dominican Republic* (Labour Code, Book VI, Part II); *Ghana* (various statutory provisions); *El Salvador* (Decree No. 322 of 1946, sections 2, 7, 24, etc.).

⁵ See above, para. 134.

⁶ *Hong Kong* (Illegal Strikes and Lockouts Ordinance, sections 3 and 6).

⁷ *Norway* (it is not known whether the sanctions provided for involve forced labour).

⁸ *Bechuanaland*, *Guatemala* and *Southern Rhodesia*.

⁹ See above, para. 117.

only in certain circumstances (when the vessel is at sea, for example) and in other cases merely lays down certain preliminary procedures involving periods of notice.¹

SECTION III. FORCED LABOUR AS A MEANS OF DISCRIMINATION

138. Under the Abolition of Forced Labour Convention, 1957 (No. 105), "any form of forced . . . labour . . . as a means of racial, social, national or religious discrimination" must be immediately abolished. This covers prison labour as well as other forms of forced labour involving discrimination. No specific provision to this effect is contained in the Forced Labour Convention, 1930 (No. 29) which, however, provides for progressive abolition of all forms of forced labour, with the exception, *inter alia*, of prison labour.

139. An examination of the information available reveals that it is often very difficult to ascertain whether discrimination exists in a particular case. Discrimination is certainly a field in which the *de facto* situation and the way in which the law is applied in practice are matters of major importance. The inadequacy of the information available on the actual position in each country and on relations among the various racial, social, national or religious groups gives rise to many difficulties.

140. An examination of the legislation in force, even if it is applicable to all without distinction, does not always reveal whether such legislation may not in fact establish or maintain situations that are discriminatory in respect of certain groups (and even whether it has not in fact been adopted for that very purpose). The fact that an item of legislation relates only to certain racial or social groups is not in itself a criterion of discrimination. In certain cases the special provisions that apply to the group in question may be justified by the need to allow the group to maintain its traditional or religious rules. With regard to special protective measures adopted to take account of the dependence or the lesser degree of evolution of certain people, it is often possible to see that these are in fact protective measures, but one is sometimes led to wonder whether such measures do not in practice result in some measure of discrimination.

141. The information analysed in this section must, therefore, be examined in the light of the foregoing general considerations. It is not impossible that in a few cases, in view of certain facts not known to the Committee, the actual interpretation of the provisions referred to differs from the meaning which may be given to them. Conversely it is possible, and even probable, that various provisions with regard to which additional information has been requested from governments, in the case of countries where the Convention is in force, may conflict with the provisions of the Convention. Consequently the above considerations are meant only to be illustrative and of a preliminary character.

142. Nor should it be forgotten that the Convention was not intended to abolish all discrimination but merely to suppress forced labour as a means of discrimination. Next year the Committee will be called upon to consider another aspect of this matter, namely that of discrimination in respect of employment or access to occupation, which is covered by other international labour standards.²

¹ See above, para. 128.

² The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111). The subject of discrimination is also dealt with in other international instruments including the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), which is to be revised shortly so that it may be applied by member States on their national territory.

143. In cases where discriminatory measures are provided for in legislation, a distinction can be drawn among various forms of forced labour of a discriminatory nature: (a) cases in which certain forms of forced labour affect only particular groups: (b) cases in which the legislation lays down certain differences between groups which lead to unequal treatment in respect of forced labour; and (c) cases in which forced labour is used as a penalty to ensure the application of discriminatory measures.

Forced Labour Imposed upon Certain Groups

144. In certain countries the law permits the imposition of forced labour on certain sections of the population; in general it seems that forced labour imposed in a discriminatory manner is primarily for economic purposes. It is thus doubly prohibited by the 1957 Convention.

145. In certain cases the legislation in question relates to "natives"¹; in others, it covers the inhabitants of certain areas.² The nature of the labour which may be imposed varies very greatly—compulsory cultivation, public works (roads, action against erosion, drainage, etc.). In certain cases the law grants to certain local authorities ("native" authorities) powers which are theoretically very extensive³, but in most cases the decisions of such local authorities must be approved by a higher authority.

146. In a few cases, forced labour that can be imposed on certain ethnic⁴ or social⁵ groups is the outcome of unduly broad definitions of "emergencies" and "minor communal services" which are not accompanied by all proper safeguards to prevent abuses.⁶

147. In a few countries the law lays down certain penalties involving forced labour or provides that such penalties may be imposed in order to ensure the observance of "native" laws and customs⁷ or religious ("Moslem") laws.⁸ It is not always possible to ascertain to what extent such provisions may be discriminatory, and particularly whether they are applicable in addition to the provisions of the penal code covering the population as a whole.

148. In many countries there are special statutory provisions to protect certain ethnic groups against certain social evils such as drunkenness and drug addiction, and it is provided that offenders shall be liable to penalties involving forced labour.⁹

¹ E.g. *Basutoland* (Native Administration Proclamation, especially section 8); *North Borneo* (Native Rice Cultivation Ordinance); *Southern Rhodesia* (Native Affairs Act, No. 31 of 1959, sections 50 and 51); *Spanish Guinea* (Ordinance of 1953 on native labour, Articles 145 and 147).

² E.g. *Liberia* (Aborigines Law, sections 221, 222, 240 to 251 and 423, applicable to the Hinterland); *Republic of South Africa* (Bantu Authorities Act, 1951, section 5).

³ E.g. *Basutoland* (Native Administration Proclamation, section 15); *Gambia* (District Authority Ordinance).

⁴ *Canada* (work on the roads by Indians).

⁵ *India* (Orissa Compulsory Labour Act, 1948, as amended in 1955; North Indian Canal Act, 1873, sections 65 and 66).

⁶ See above, Chapter I, paras. 58 to 67.

⁷ *Gambia* (District Courts Ordinance); *North Borneo* (Native Courts Ordinance, sections 5 and 7).

⁸ *Brunei* (Mohammedan Laws Enactment).

⁹ E.g. *Bechuanaland* (Liquor Proclamation, 1960, section 44; Methylated Spirits Proclamation, 1949, sections 2 and 8); *Canada* (Indians Act, sections 24 and 96); *Swaziland* (Spirits Licences Proclamation, 1955, sections 24 and 26); *United States* (Indian Tribal Offences Code, sections 1149 and 1155).

Such provisions often have as their immediate object the application of various international agreements.

149. In certain countries penal sanctions which may involve forced labour for breaches of contracts of employment are applicable only to "natives".¹ Here again such provisions are doubly contrary to the Convention. In other countries there are certain restrictions on the freedom of movement of "natives", whose violation may be punished with forced labour, or the law establishes vagrancy offences which affect only certain ethnic² or social³ groups. Such provisions are contrary to the Convention.

Unequal Treatment

150. In a few countries, under statutory provisions relating to the same offence, for which forced labour may be imposed, the penalties are heavier for "natives" than for "non-natives". This seems to be contrary to the Convention. This is so, for example, in the case of affrays⁴ or the non-payment of taxes.⁵

151. In other countries, contrary to the terms of the Convention, certain ethnic⁶ or social⁷ groups do not enjoy certain "privileges" granted to other sections of the population and may thus be liable to certain penal sanctions which may involve forced labour but which cannot be imposed on members of other sections of the population.

Application of Discriminatory Measures

152. Only in a fairly limited number of countries does there seem to be statutory provision for the use of forced labour as a penalty to ensure the application of discriminatory measures.

153. The "offences" for which forced labour is most often imposed as a penalty are marriage, cohabitation, etc., among persons who are not of the same race.⁸

154. Forced labour may also be imposed as a penalty on persons who infringe provisions relating to racial segregation on means of transport⁹ or with regard to residence.¹⁰

¹ See above, Section 1, para. 121.

² *Sarawak* (Local Authority Ordinance, section 30); *Sierra Leone* (Protectorate Vagrancy Ordinance); *Solomon Islands* (Native Administration Regulation, sections 31 and 35); *Republic of South Africa* (Passport Abolition and Co-ordination of Documents Act, 1952); *Southern Rhodesia* (Native Affairs Act, section 42; Native Registration and Identity Cards Act); *U.S.S.R.* (Decree of Supreme Praesidium of the U.S.S.R. to put gypsies to work, dated 5 October 1956).

³ *Congo (Brazzaville)* (Act No. 44/59, dated 2 October 1959).

⁴ *Gilbert and Ellice Islands* (Summary Procedure Ordinance, 1929; Native Administration Ordinance, 1941).

⁵ *Solomon Islands* (Native Tax Regulation, section 7 A; Residential Tax Regulation, section 6); *Swaziland* (African Tax Proclamation, section 6; Poll Tax Proclamation, section 6).

⁶ *Republic of South Africa* (Industrial Conciliation Act).

⁷ *Bechuanaland* (Trade Unions and Trade Disputes Proclamation); agricultural workers are not immune from prosecution on charges of conspiracy and unlawful combination if they form a trade union.

⁸ *Republic of South Africa* (Immorality Act, 1957); *United States* (Louisiana, Missouri, Virginia and West Virginia).

⁹ *Republic of South Africa* (Separate Accommodation Act, 1953); *United States* (Louisiana and Virginia).

¹⁰ *Republic of South Africa* (Group Areas Amendment Act, 1957; Natives (Urban Areas) Act, 1945); *United States* (Louisiana).

155. Recourse to forced labour in the cases cited above appears clearly to be contrary to the 1957 Convention.

156. From an analysis of legislation, it seems that among the cases of discrimination envisaged by the Convention forced labour is most commonly used as a means of racial or social discrimination. However, it seems that in certain cases forms of forced labour which could be used as a means of political coercion may also be used as a means of social or religious discrimination.¹

CHAPTER IV

Forced Labour for Political Purposes

INTRODUCTION

157. The comparatively recent emergence of systems of forced labour as a means of political coercion is undoubtedly due to various factors, some of which were mentioned in general terms at the beginning of this review. In view of the extent of the ideological divergencies which exist on the international level, it is no longer always easy to distinguish at first sight between cases in which measures are designed to punish acts performed for the benefit of a foreign power and cases in which measures are intended to punish the expression of "political views" or ideological opposition to "the established political, social or economic system". This undoubtedly explains the fear expressed by the *Ad Hoc* Committee on Forced Labour that forced labour as a means of political coercion was "possible of establishment in other countries".²

INTERNATIONAL STANDARDS

158. No provision of the Forced Labour Convention, 1930 (No. 29), specifically deals with the use of forced labour for purposes of political coercion. Either the decision to impose forced labour was reached by a court of law, in which case the Convention implicitly supposed that all necessary guarantees would be granted³; or it was an administrative or other decision and such forced labour was prohibited by the Convention.⁴ On the other hand, the Abolition of Forced Labour Convention, 1957 (No. 105), expressly refers to this new type of forced labour, stating that Members must not make use "of any form of forced or compulsory labour":

- as a means of political coercion;
- as a means of political education;
- as a punishment for holding political views;
- as a punishment for expressing political views;
- as a punishment for views ideologically opposed to the established political system;
- as a punishment for views ideologically opposed to the established social system;
- as a punishment for views ideologically opposed to the established economic system.

¹ See below, Chapter IV.

² In its report, *op. cit.*, para. 549.

³ See above, Chapter I, para. 48.

⁴ See above, General Introduction, paras. 8 to 11.

Forced Labour as a Means of Political Coercion

159. In the report of the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour, which was used as a basis for the preparatory work of the 1957 Convention, the Committee gave the following description of the most serious forms of forced labour used for purposes of political coercion:

- when forced labour “is expressly directed against people of a particular ‘class’ (or social origin)”;
- when forced labour is expressly directed even “against political ‘ideas’ or attitudes in men’s minds”;
- “where a person may be sentenced to forced labour for the offence of having in some way expressed his ideological opposition to the established political order, or even because he is only suspected of such hostility”;
- “when . . . the penalty of forced labour to which he is condemned is intended for his political ‘correction’ or ‘re-education’, that is, to alter his political convictions to the satisfaction of the government in power.”¹

Political Coercion and Prison Labour

160. In practically all countries, persons convicted by a court of law can be required to work while serving their sentences. In the case of common criminals this need raise no problem provided that there is a conviction by a court of law.² However, as has been pointed out³, “the permitting of such labour can lead to abuses, particularly if persons may be sentenced to penal labour on account of their political or other beliefs. If such sentences were permitted prison labour could in fact become tantamount to a system of forced labour as a means of political coercion. It therefore seems essential that the proposed instrument should guard against this and forbid penal labour for crimes of political opinion.” The work of the U.N.-I.L.O. *Ad Hoc* Committee had already shown that prison labour might be used for purposes of political coercion.⁴

161. The prohibition of “any form of forced or compulsory labour . . . as a means of political coercion” stated in the 1957 Convention would therefore seem to cover both prison labour used as a means of political coercion and any other form of forced labour for the same purpose.

162. It must further be borne in mind that the 1957 Convention prohibits the use of forced labour “as a means of political . . . education”. Many specialists in criminal law believe that prison labour is not intended so much to “punish” convicted persons as to promote their “re-education”. Re-education of common criminals thus envisaged by specialists aims at enabling them, upon release, to resume their place in society without being led by the force of circumstances to commit further offences. The various provisions adopted for purposes of social re-education must be sharply distinguished from measures of “political education” such as are prohibited under the 1957 Convention and must not contain any measures of this kind. The question is not so much one of definition as of the content of these concepts.

¹ Cf. *op. cit.*, para. 549.

² See above, Chapter I, paras. 47 to 57.

³ *Forced Labour*, Report VI (1), *op. cit.*, Chapter II, *Analysis of the Questionnaire*, p. 17.

⁴ See above, para. 159.

THE PENAL SYSTEM APPLYING TO PERSONS CONVICTED OF "POLITICAL" OFFENCES

163. In a certain number of countries¹ only common criminals are liable to prison labour; persons found guilty of "political" offences and sentenced to a term of imprisonment enjoy a "privileged status", which in particular does not involve any obligation to work. However, the available information does not in all cases show clearly how the application of the "political" status is decided in any particular case, what authority is competent to do so and whether prison labour may therefore still not be used in some cases for purposes of political coercion. Therefore, subject to the special status which certain persons convicted for political offences may enjoy, the situation of the countries concerned will be examined below, together with that of other countries where no such distinction is made.

164. In a large number of countries the political character which may attach to an offence is not taken into consideration when a sentence is served. If the penalties provided for under the law in respect of certain specific political offences involve prison labour, the convicted person is required to work during his term of imprisonment. In such cases it is frequently difficult to decide on the basis of legislative texts alone whether or not the provisions concerned are liable to be used for the imposition of forced labour (prison labour) for purposes of political coercion.

165. In respect of some other countries there is information to suggest that the political character of an offence constitutes an aggravating factor in the views of both legislature and judicature and that a political offence is particularly heinous.

CONSTITUTIONAL GUARANTEES ON FREEDOM OF EXPRESSION

166. In practically all countries the national constitution, whether written or unwritten, recognises freedom of expression for citizens. The wording of written constitutions stating this guarantee varies considerably from one country to another (reference to legislation in general terms; saving clauses for the rights of other citizens; need to safeguard public order; obligation to preserve certain "interests", etc.). However, even when the principle of freedom of expression is stated in unequivocal language, reference has to be made to the law and practice of each country. Apart from the fact that in the most serious situations constitutional guarantees may be suspended, there are always provisions to protect public order and defend the State against threats to its internal and external security, and in most cases the penalties provided for under such legislative provisions involve forced labour.

Suspension of Guarantees, State of Siege, State of Emergency

167. In a large number of countries there are provisions under which the authorities are granted considerably wider powers during particularly troubled periods than in normal times. The wording used in any particular country to define these cases of

¹ E.g. *Brazil* (Act No. 1802 of 5 January 1953, section 45, and Act No. 2083 of 12 November 1953, section 49); *France* (several circulars of the Ministry of Justice); *Gabon* (Act of 15 December 1959, section 67); *India* (in all cases where the penalty is "simple imprisonment"); *Mali* (Act of 23 January 1959, sections 50 and 62); *Mauritania* (Ministerial Circular of 12 October 1925); *Morocco* (Dahir of 11 April 1945, section 45); *Senegal* (Circular of 12 October 1925); *Tunisia* (according to the report of the Government, which does not refer to any text); *United Kingdom* (England: Prison Rules (S.I., 1703 of 1949), rule 136; Scotland: Prison (Scotland) Rules (S.I., 568 (S. 18) of 1952), rule 144; no provisions of this kind exist in Northern Ireland); *Upper Volta* (Circular of 12 October 1925).

force majeure varies considerably.¹ Apart from direct imposition of labour which may result from application of these laws and regulations, it very frequently happens that during the periods in question the authorities are empowered to place considerable restrictions on the right of individuals to express political views or their opposition to the established order, subject to penal sanctions involving forced labour. Thus, any meeting, even in a private house, may be prohibited²; certain "dangerous" persons or persons supposed to be so may be placed under forced residence, banished or interned by administrative decision³; certain publications may be prohibited or placed under supervision⁴; in certain cases legislation even covers the fact of possessing a prohibited publication without legal grounds.⁵ Legislation regarding a state of emergency in certain countries even gives full powers to the competent authorities, when a state of emergency has been proclaimed in accordance with the proper procedure, to prohibit any act which might be dangerous.⁶

168. The existence of such provisions seems to be necessary and it even seems likely that in as far as their utilisation is subject to certain guarantees, they constitute an indirect indication that the ordinary laws and regulations do not empower the authorities to use such measures during normal periods. As has been pointed out⁷, however, sufficiently detailed information must be provided in governments' reports on all cases in which such measures have had to be used.

PROTECTION OF THE INTERNAL AND EXTERNAL SECURITY OF THE STATE

169. At all times and in all countries there have been provisions to allow the State to defend itself against threats to its internal or external security. Some of them aim to protect the State against threats to its internal security (public order) while others aim to protect it against threats to its external security (espionage, etc.). Nevertheless, examination of the available information reveals that under the impact of various factors⁸ this distinction between internal and external security is tending to disappear. In an increasing number of countries, the fact has been taken into account that certain nationals themselves no longer make any such distinction. It is therefore frequently very difficult and sometimes even impossible on the basis of existing legislation to ascertain to what extent the activity of individuals in the service of a foreign power is meant to be covered or whether it is only their ideological

¹ See above, Chapter I, paras. 58 to 64, and Chapter II, paras. 85 and 86.

² This is the case, for example, in the following countries: *British Honduras* (Public Security Ordinance, Chapter 60, sections 2 and 3); *Cameroun* (Act of 7 May 1960); *Cyprus* (Act of 1958 concerning meetings, etc., sections 5 and 8); *France* (Act of 8 August 1849, section 9; Act of 3 April 1955, section 8); *Mauritania* (Act of 10 July 1959); *Zanzibar* (Emergency (Miscellaneous) (Amendment) Regulations, No. 7 of 1961, section 31).

³ This is the case, for example, in the following countries: *British Honduras* (Public Security Ordinance, Chapter 60, section 2); *Cameroun* (Act of 7 May 1960); *France* (Act of 3 April 1955, sections 5 and 6); *Mauritania* (Act of 10 July 1959); *Senegal* (Act No. 60-42 of 20 August 1960 and Ordinance No. 60-27 of 10 October 1960); *Viet-Nam* (Ordinance No. 6 of 11 January 1956).

⁴ This is the case, for example, in the following countries: *British Guiana* (Emergency Ordinance, sections 17 and 58); *Cameroun* (Act of 7 May 1960); *France* (Act of 8 August 1849, section 9; Act of 3 April 1955, section 11); *Zanzibar* (Emergency (Miscellaneous) (Amendment) Regulations, No. 8 of 1961, section 7 E).

⁵ This is the case, for example, in *Zanzibar* (Emergency Regulations, No. 8 of 1961, quoted above).

⁶ This is the case, for example, in the following countries: *New Zealand* (Public Safety Conservation Act, 1932, section 1); *El Salvador* (Constitution, section 176, and Decree No. 805 of 1952); *Singapore* (Emergency Regulations Ordinance, sections 3, 4 and 5).

⁷ See above, Chapter I, paras. 58 ff., and Chapter II, paras. 85 and 86.

⁸ The extent of ideological opposition in international life; integration of ideology in public order in certain countries.

opposition to the established order. Any such distinction has hardly any meaning in countries where the ideology is part and parcel of public order.

170. It appears, however, that in a certain number of countries laws on protection of the internal and external security of the State contain sufficiently precise definitions (or definitions whose scope has been settled by accepted judicial precedents), which are frequently accompanied by saving clauses so worded that it seems likely, *prima facie*, that such provisions are not intended to punish opposition to the established order by means of forced labour.¹ Thus, a great many countries expressly state in their laws regarding "seditious" publications, meetings and speeches that the law must not be interpreted or applied so as to prevent citizens from exercising their political rights, criticising government policy, or administrative action, suggesting a different policy, proposing amendments to legislation and the constitution, etc.², or relates only to cases of violence.³

171. However precise the definitions and saving clauses used in existing laws, it must not be forgotten that the State is the judge of its own cause in matters affecting its internal or external security but should always act in conformity with its international obligations. It is therefore essential that, as requested in the report form⁴, governments should endeavour to supply in their reports the fullest information concerning the practical application of the legislative provisions concerned.

172. Existing legislation in a certain number of countries⁵ contains provisions worded in such broad terms that it is impossible, in the absence of precise indications regarding the manner in which these provisions are applied in practice, to be certain that they may not be used in a manner incompatible with the Convention. In one country⁶, whoever by public statements "advocates hostile measures against the State" is liable to punishments involving forced labour. Having regard to other provisions in the legislation of this country⁷, it appears that the prohibition of

¹ *Basutoland* (Sedition and Rebellion Proclamation); *Bechuanaland* (Sedition Proclamation of 1938); *British Guiana* (Criminal Code, section 109); *British Honduras* (Criminal Code, Chapter 21, sections 244 to 246); *Brunei* and *North Borneo* (Sedition Enactment); *Canada* (Criminal Code, sections 60 to 62); *Cyprus* (Seditious Publications Act); *Falkland Islands* (Seditious Offences Ordinance); *Gambia* (Criminal Code, sections 51 and 52); *Hong Kong* (Sedition Ordinance); *India* (Criminal Code, sections 124 A, 153 A and various Acts (in certain cases the penalty appears to be "simple" imprisonment which imposes no obligation to work)); *Ireland* (Offences against the State Act, 1939, sections 2, 10, 12 and 27); *Israel* (Criminal Code Ordinance, sections 59 and 60); *Malta* (Seditious Propaganda (Prohibition) Ordinance, sections 2 and 10); *New Zealand* (Crimes Act, 1908, sections 118 and 119); *Nigeria* (Criminal Code, sections 50 and 51); *Seychelles* (Criminal Code, Chapter 93, sections 54 and 55; Code of Criminal Procedure, Chapter 77, sections 32 and 46); *United Kingdom* (Northern Ireland: Sedition Act; for England and Scotland, see above, para. 163).

² For example, *United States* (Codes, Title 50, section 783 (a)).

³ For example, *Japan* (Criminal Code, section 77); *Sierra Leone*; *Singapore*; *Solomon Islands*; *Swaziland*; *Switzerland* (sections 275 and 275bis of the Criminal Code); *Tanganyika*; *Zanzibar* (Penal Decree, sections 39 and 47 to 55).

⁴ Form established by the Governing Body of the I.L.O. as a basis for reports to be supplied by governments which have ratified the Abolition of Forced Labour Convention, 1957 (No. 105).

⁵ *Chad* (Act No. 35 of 8 January 1960, section 1); *Denmark* (Criminal Code, sections 100 and 136); *Finland* (Criminal Code, section 24); *France* (Criminal Code, section 76, action prejudicial to army morale); *Gabon* (Act of 5 January 1959, sections 1, 18 and 20); *Liberia* (Criminal Code, section 50); *Mali* (Ordinance of 28 March 1959 amended by Act No. 61-18 of 19 January 1961); *Norway* (Criminal Code, sections 322, 323 and 431); *Poland* (Decree of 13 June 1946, sections 5, 29, 36); *Turkey* (Criminal Code, section 142); *Upper Volta* (Act of 14 January 1960).

⁶ *Denmark* (Article 100 of the Penal Code).

⁷ *Ibid.*, Articles 98, 99, 101, 102, etc., which concern foreign occupation and domination, the declaration of war, "blockade and other coercive measures", etc.).

statements advocating hostile measures against the State might be open to very wide interpretation. Further, in another country espionage is concerned not merely with "information constituting a state secret or a military secret" but also all "other information to be used in a manner prejudicial to the interests" of the State.¹ It is clear that in such cases, when the country is bound by the 1957 Convention, it would be desirable to remove all ambiguity by amending or supplementing the legal provisions in question.²

173. Legislation in a certain number of other countries with regard to maintenance of public order also contains provisions capable of being used in a manner contrary to the Convention as they involve forced labour as a punishment. For instance, a person "who is 'likely' " to publish documents calculated to prejudice public order and safety may be forbidden to make any publication³; a person found in possession of a book or newspaper or similar publication that has been banned may be convicted unless "he proves his ignorance of its contents"⁴; a district official may, if he is of the opinion that "this is desirable in the public interest" ban any meeting (even private) and forbid any person to speak at such a meeting⁵; the definition of "subversive statements" is so broad that the possibility of expressing political opinions appears considerably restricted.⁶ In other cases legislation merely provides that district authorities should be able to take whatever decisions are necessary in order to maintain public order.⁷

174. In a certain number of countries administrative authorities—generally the government—may, independently of proceedings in a court of law, order the arrest, forced residence, etc., of all persons held to be "dangerous" to public order. It seems in particular cases that the person arrested is not obliged to perform work⁸, whereas in other cases it seems that such decisions imply a direct or indirect obligation to work⁹, contrary to the Convention. In one case¹⁰, the available information does not make it clear whether or not there is any obligation to work.

175. There are also certain countries where legislation contains various provisions worded in general terms that may be broadly interpreted¹¹, and it is expressly

¹ U.S.S.R. (Penal Code of the R.S.F.S.R., articles 64 and 65).

² Except where there exist clear, settled judicial precedents.

³ Ghana (Code, section 183; repeated or habitual offences of this nature are dealt with in another clause in the same section).

⁴ Ghana (ibid., sections 183 and 296); Malaya (Internal Security Act, sections 22 and 25).

⁵ Southern Rhodesia (Native Affairs Act, sections 53 B and 53 C).

⁶ Southern Rhodesia (Law and Order (Maintenance) Act, section 39).

⁷ Gilbert and Ellice Islands (Native Administration Ordinance, section 12); Solomon Islands (Native Administration Regulation, 1953, sections 18 and 21); Sarawak (Local Authority Ordinance, sections 27 and 54).

⁸ Ghana (Preventive Detention Act, 1958, sections 2-4); India (Preventive Detention Act, 1950, sections 3, 4 and 11 A); Ireland (Offences against the State Act, 1940, sections 4, 19, 41 and 42); Southern Rhodesia (Preventive Detention Act, Prisons Act and Regulations thereunder); Turkey (Code of Criminal Procedure, section 104).

⁹ Congo (Brazzaville) (Act of 7 March 1960 and Act of 11 May 1960); Dahomey (Act No. 61/7 concerning public security, sections 1 and 3); Gambia (Deportation Act, sections 2, 4 and 15); Ghana (Deportation (Amendment) Act, 1959, sections 2 and 4); Haiti (Penal Code, sections 31 to 34 and 230); Hungary (various provisions which the Government considers as no longer applying); Jamaica (Deportation Act of 1942, sections 2, 4 and 15); Kenya (Deportation Ordinance, Chapter 56 and various regulations issued thereunder); North Borneo (Restricted Residence Ordinance, sections 2 and 8); etc.

¹⁰ Brunei.

¹¹ U.S.S.R. (Criminal Code of the R.S.F.S.R., sections 7, 15, 64, 65, 70, and 206).

provided that the courts shall afford protection against any threat to the political and social system and the established economic order.¹

PROHIBITION, SUBJECT TO PENALTIES OF FORCED LABOUR, OF "POLITICAL VIEWS"

176. It should always be remembered that the 1957 Convention is not an international instrument to ensure freedom of expression. This Convention aims at the abolition of forced labour in any form, including prison labour resulting from a conviction by a court of law, "as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system". Examination of the existing provisions in certain countries shows that certain political views are prohibited, subject to penalties of forced labour²; this is often the consequence of the prohibition of political parties or organisations. When a party is prohibited the authorities are in fact often led in consequence, if they are determined to oppose the reconstitution of the banned organisation, to adopt various measures of supervision³ and to prohibit sometimes in one way or another the holding or the expression of the political views in question, on pain of forced labour. In examining the application of legislative provisions on associations and meetings, cases may be found where certain political views are prohibited. This may also lead to a clarification of the genuine bearing of laws in the countries concerned. It should however be stressed that these questions—and in particular the prohibition of one or more political parties—do not come within the purview of the Convention when they are not enforced by forced labour (prison labour).

177. In very many countries no restriction exists, in normal times, on the right of association or meeting.⁴ The dissolution of organisations is only provided for when they advocate or use violence or when they endeavour to use recognised civil and political rights for destructive purposes or with a view to appropriating such rights for their own advantage.⁵ In such cases, however, the reports should supply detailed information on the practice followed, and in particular on court decisions, as requested by the report form.⁶

178. Legislation in a certain number of countries makes it possible to dissolve and to prohibit the reconstitution of a political party and in certain cases to prohibit, on

¹ U.S.S.R. (Basic Provisions regarding judicial organisation in the U.S.S.R. and the federated and autonomous republics, section 2; cf, also sections 3 and 9).

² Including prison labour.

³ Strict supervision of all associations, of both public and private meetings and close supervision of persons believed to hold the political opinions in question. In so far as such measures are enforced by forced labour, they must themselves be considered a means of political coercion prohibited by the Convention.

⁴ The constitution of associations (and of political parties) is not subject to any formality. Private meetings are defined in very broad terms and are not restricted in any way. Public meetings are not generally subject to previous authorisation except when they are organised on the public highway.

⁵ See, particularly, Article 30 of the Universal Declaration of Human Rights. In one country (United States, Code, Title 50, sections 782 ff.) domestic law, as represented by the Constitution and by decisions of the Supreme Court, does not permit a political party or the organisations attached to it to be dissolved. Therefore new legislation has been adopted to provide that such organisations and their members should be registered with the Department of Justice. Further, any person helping such an organisation or promising assistance is considered as a member. However, it should be borne in mind that the decisions of the Supreme Court ensure that any encroachment on freedom of expression is prevented.

⁶ See above, para. 171, footnote.

pain of forced labour, all propaganda favourable to the ideology of the party concerned. Such legislation is sometimes worded in a very general manner and its scope can only be determined by ascertaining what use has been made of it.¹

179. In a certain number of countries, existing legislation provides that any society (therefore, any political party) must be registered², failure to do so entailing liability to penalties involving forced labour. In such cases also, it is only possible in the light of information on practical application to determine to what extent these provisions should be supplemented or modified so as to ensure that they are not applied in a manner incompatible with the Convention.

180. In a certain number of other countries where ordinary societies are practically always subject to stringent control by the administrative authorities, the law prohibits any form of anarchist³, communist⁴ or fascist⁵ propaganda, and deals severely with the establishment of associations proclaiming these ideologies or propagating them. Apart from the fact that these provisions result in the prohibition of holding or expressing "political views", subject to sanctions which may involve forced labour, they may, contrary to the Convention, be applied to any expression of opposition to the established order if they are not defined more precisely in the legislation.

181. Finally, there are certain countries⁶ where the expression of political opinions which do not conform to those held by the organisation in power (or at least in one case on certain fundamental questions) is prohibited by various legal provisions which entail forced labour, contrary to the Convention: constitutional provisions, legislation relating to associations and meetings, prohibiting all political parties or some of them, or authorising the existence of only one political organisation or only one legally recognised party as the only qualified representatives of the population in the political field.

RESTRICTIONS RELATING TO SPECIFIC PERSONS

182. In some countries public officials are forbidden, subject to sanctions involving forced labour, to engage in certain political activities. Such a provision might be incompatible with the Convention if it made it possible to impose forced labour on a

¹ E.g. *Cyprus* (Criminal Code, section 60); *Denmark* (Constitution, section 85); Criminal Code, section 132); *India* (Criminal Code, section 16, amended in 1908; the penalties do not seem to entail any obligation to labour); *Ireland* (Offences against the State Act, 1930, sections 18 and 21); *Japan* (Act concerning preservation of order, section 1); *Morocco* (Dahir No. 1.58.376 of 15 November 1958, sections 3, 7 and 8); *Norway* (Criminal Code, section 330); *Switzerland* (National Constitution, sections 55 and 56); *Turkey* (Criminal Code, section 141); *Zanzibar* (Criminal Code, section 64).

² *Brunet* (Societies Enactment, sections 4, 6, 9, 10, 16 and 18); *Haiti* (Penal Code, sections 236bis and 238bis); *Hong Kong* (Societies Ordinance, sections 5, 9, 12 and 16); *Malaya* (Societies Ordinance, sections 5, 10, 11 and 12); *North Borneo* (Societies Ordinance, sections 5, 9, 10, 11 and 12); *Sarawak* (Societies Ordinance, section 9).

³ *Dominican Republic* (Act No. 1443); *Haiti* (Penal Code, section 69; Legislative Decree of 1936, section 7).

⁴ *Dominican Republic* (see preceding footnote); *Haiti* (ditto); *El Salvador* (Constitution, section 158).

⁵ *Poland* (Decree of 13 June 1946, sections 29 and 35; see also same decree, section 36, and Penal Code, section 156 concerning secret societies).

⁶ *Republic of South Africa* (Suppression of Communism Act, 1950, as amended in 1951, etc.; Unlawful Organisations Act, 1960: illegality of the Pan-African Congress and the African National Congress); *Spain* (Act of 1 March 1940, sections 4 and 6; Criminal Code, section 173); *U.S.S.R.* (Constitution, sections 125 and 126; legislation concerning associations; Criminal Code of the R.S.F.S.R., provisions quoted above); *United Arab Republic* (Proclamation of 17 January 1953, Legislative Decree No. 37 of 18 January 1953, Criminal Code, section 134).

person expressing "political views" or opposition to the established order. Everything depends, however, on the manner in which the "political activities" concerned are defined: does this definition allow the political views (actual or supposed) of officials to be considered? Does it exclude every opportunity for them to express political views? What are the means of expression forbidden to them? Does this prohibition cover, *de facto*, all political views or only those in opposition to the government's? Does this prohibition relate to the attitude of the official in the discharge of his functions or does it extend to his life outside his service? However this may be, it is generally admitted that, even outside their public functions, officials are required to maintain a certain reserve as regards political activities even if only in order that those to whom their administrative activities relate should not be tempted to question the impartiality of the administration. In any event, the matter might be dealt with by disciplinary sanctions not involving forced labour.

183. In other countries¹, ministers of the church are forbidden to criticise the government in public and while discharging their functions, subject to penalties which may entail forced labour. Such provisions would seem to be incompatible with the Convention.

184. The occasional prohibition for ministers of the church to carry on correspondence, even on religious questions, with "a foreign court or power" without prior authorisation by the government, subject to sanctions which may entail forced labour, also constitutes a measure which is definitely incompatible with the Convention.²

FURTHER RESTRICTIONS ON FREEDOM OF EXPRESSION

185. As a general rule it appears that in most countries, leaving aside the provisions examined above with regard to cases of *force majeure* and the defence of the security of the State, there are scarcely any provisions under which forced labour may be imposed to punish persons for holding or expressing political views.

186. Consideration of the available information indicates, however, that by covering in general terms "political coercion" (that is to say political constraint), the Convention does not result only in forbidding the use of forced labour to punish a person with opinions contrary to the established order or expressing such opinions. Use of political coercion may also consist of prohibiting or severely regulating the use of the various means of expression in such a manner as to prevent any possibility of their use by a person in order to express opinions opposed to the established order. In so far as any violation of such a prohibition or regulation could be punished with forced labour, these provisions should, therefore, be considered as coming within the scope of the Convention. However, it should not be forgotten that the Abolition of Forced Labour Convention, 1957 (No. 105), does not constitute an international instrument to ensure freedom of expression and that, if failure to comply with a particular restriction or constraint is not punishable by forced labour, this does not come within the scope of the Convention.

187. Among the various preventive measures which may lead to the imposition of forced labour in the case of non-compliance, mention may be made of legislation on customs, prior censorship of the press and other publications, of radio, television,

¹ *Dominican Republic* (Criminal Code, sections 201 et seq.); *Haiti* (Criminal Code, sections 162-167).

² *Dominican Republic* (Criminal Code, section 207); *Haiti* (Criminal Code, sections 168 and 169).

gramophone records, the cinema, etc., censorship of private correspondence, and laws and regulations governing the use by private persons of collective means of expression administered directly by the State or under its control.

188. The documentation available to the Committee on this subject (including in particular information supplied in reports) was too fragmentary and vague to make it possible to refer to it in a detailed manner in this study. All these questions should be investigated subsequently by means of more thorough research, whereby it may be seen whether and to what extent these various means of supervision include sanctions involving forced labour and may thus come within the scope of the Convention.

189. In many countries the legislation also contains various other provisions which should be included in a comprehensive study: penalties for spreading "false" news; protection of representatives of the public authorities in a general manner or in the discharge of their functions; protection of national emblems¹; protection of "public morality"², etc. Only by detailed study of the manner in which such provisions are applied is it possible to assess their relevance to the application of the Convention.

CONCLUSION

190. When one bears in mind the wide scope of the various provisions of the Abolition of Forced Labour Convention, 1957 (No. 105), one cannot avoid being struck by the fact that less than five years after its adoption, this Convention has already entered or is about to enter into force in over 100 countries and that in numerous other countries the possibility is being explored of ratifying it (member States)³ or of accepting its provisions (non-metropolitan territories).⁴ The indications given in the various chapters of this review may enable any governments which may have doubts as to the precise effects of the provisions of the Convention to appreciate them better and, in a number of cases, governments may find that nothing in their legislation appears to prevent ratification.

191. Although the 1957 Convention entered into force less than three years ago, in several cases legislative or other measures have already been taken to abolish various forms of forced labour to which recourse was still possible, or to define more strictly the circumstances in which certain forms of work could be exacted from the population. Thus in some countries recourse to forced labour for portage⁵ or for certain public works⁶ has been discontinued. Further, a more precise definition of work which can be regarded as minor communal services⁵ has been attempted by restricting it to maintenance works (thus excluding new constructions or installations) and by requiring that these works should be for the direct and exclusive benefit of

¹ In most countries behaviour offensive to national emblems may be punished. However, in certain cases the obligation to salute the national flag is established by law and there are sanctions which may entail forced labour in the case of any violation (*Liberia*), whereas in other countries (e.g. *United States*) this obligation would be considered as a violation of freedom of expression.

² In certain cases legislation on "public morality" seems to have been applied in such a manner as to prohibit the expression of certain political opinions (ban on certain publications, etc.).

³ *Brazil, Burma, Ceylon, Chile, Greece, Mauritania, Viet-Nam*. It should also be noted that, since the reports were submitted several States have ratified the Convention: *Ecuador, Ivory Coast, Senegal*.

⁴ *Cook Islands, Tokelau Islands*.

⁵ *Tanganyika* (Circulars of 8 and 20 December 1960).

⁶ *Gambia* (Ordinances Nos. 12 and 14 of 1958 and No. 4 of 1959).

the community which carries them out. From information contained in the reports it would seem that similar measures are already in course of adoption or contemplated in other countries.

192. The indications in the various chapters of this study lead to the conclusion that the same—or more or less similar—difficulties as those which arose over the application of the 1930 Convention are likely to arise in the application of the 1957 Convention. Apart from the fact, already mentioned in the general introduction, that in some countries the relevant legislative provisions have not all been published or are not available, the chief difficulty arises from the lack of precision in laws or regulations which might permit the imposition of various forms of forced labour, especially for economic purposes or as a means of political coercion.

193. One matter with respect to which a special effort would appear to be necessary to secure a better application of the two Conventions on forced labour is the definition of the cases of “emergency” in which certain works or services may be exacted and certain restrictions placed upon the expression of political views and of ideological opposition to the established system. Too often legislative provisions on this subject are drafted in a very vague and imprecise manner and do not contain sufficient safeguards to prevent abuse.

194. The same lack of precision may be found also in certain laws designed to protect the internal and external security of the State. In some cases it would appear necessary for existing legislation to be amended and supplemented to make it clear that it is not intended in normal conditions to prohibit, under penalties involving forced labour, the expression of political views or views ideologically opposed to the established political, social or economic system.

195. In other cases too, where the legislation designed to protect state security appears to be sufficiently precise, it is still necessary to obtain full particulars of the practical application of these provisions, including decisions by the competent judicial authorities.

196. More detailed information (especially statistics) also appears to be necessary regarding the practical application of various provisions in national legislation (vagrancy laws, etc.) which cumulatively might make it possible to introduce systems of forced labour for economic purposes.

197. Finally, the examination of the information available concerning recourse to forced labour as a means of discrimination, as has been seen, raises a number of delicate problems; in the absence of specific data on the situation in each country, and on the existing relations between various ethnic, social, national or religious groups, it is very difficult, and indeed at times impossible, to obtain a precise idea of the effect of certain provisions authorising recourse to forced labour.

198. Only when it has been possible to bring together, translate and examine all legislative provisions which may be invoked to impose the various forms of forced labour, when information on the practical application of these laws, particularly by decisions of the courts of law, has been supplied and when all necessary factual information on the situation in the various countries is available, will it be possible, a few years hence, to undertake a more thorough study of the problem of forced labour in the world. The present review will, however, have made it possible to bring out the main aspects of the problem and to trace its limits. It will also have shown that the problem of forced labour continues to exist in a number of countries.

199. In the face of the condemnation expressed by the conscience of all peoples, one would have thought that the only forms of forced labour existing today would be vestiges of a dead past. Regrettably, this is far from being the case, and certain pointers give cause to fear that forced labour is being born anew in some countries. Already last year the Committee referred to the apparent recrudescence of forced labour for economic purposes in certain regions. The information which has become available this year confirms this regrettable impression. The Committee feels obliged to point out once again the retrograde character of an economic policy calling for forced labour. Moreover, the disadvantages of recourse to compulsion are well known: low output, need for close and costly supervision, strengthening of dislike for work, bad psychological, social and political consequences, etc.¹ Experience has furthermore shown that recourse to forced labour, even when strictly limited to meeting the needs of economic development, is hardly possible without simultaneous recourse to other restraints, in particular various means of political coercion. It therefore seems inconceivable that the solution for accelerating economic development should consist of the imposition of forced labour in more or less clear or disguised forms. Instead of adopting this course, which may well end in serious failure, governments should realise that the desired objectives can be attained by other means.

200. Nor must the fact be ignored that recourse to certain methods of mobilising enthusiasm may, in given circumstances, be equivalent in practice to the imposition of forced labour. These dangers are accentuated by the fact that it is sometimes possible to employ various forms of political coercion to "isolate" dissenters and to sentence them on the pretext of "sabotage". Accordingly it is essential to scrutinise as closely as possible the "voluntary" systems in force in certain countries, to examine whether these methods could be transposed elsewhere, and to ensure that, whatever the letter of the law may be, a system of forced labour has not been imposed in practice by using various forms of constraint.

201. On the other hand, persuasion or the granting of certain benefits or priorities (for example, as regards vocational training, employment opportunities and promotion prospects) may play an important part in inducing young people to devote some of their time to building their country's future. Other systems not involving the disadvantages either of forced labour as such or of "compulsory volunteering" (as suggested by the terminology to be found in certain laws) could undoubtedly be devised if the necessary effort were made.

202. In the field of international standards, the International Labour Organisation has two instruments dealing with forced labour—the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)—which effectively supplement each other and whose concurrent application should make the survival of any form of forced labour impossible. But would it not also be useful if, for this problem as for others—and even more so in the case of this problem than with others—the standard-setting activities of the I.L.O., including mutual supervision of the application of these standards, were to be supplemented by research? Such research might relate to methods which, without involving recourse to compulsion, enabled maximum use to be made of available labour. In this way, thanks to wide circulation of the results of this research, which it would be possible to take into consideration in I.L.O. technical co-operation and educational programmes, governments could, in the light of experience gained elsewhere, find substitute methods which, while rejecting any form of direct or disguised compulsion, would be adapted to the needs of their countries.

¹ See *R.C.E.*, 1961, pp. 257-258 and 326-327.

203. By giving equal place and importance to all the rights which are now recognised as the birthright of any human being—"civil and political rights" as well as "economic, social and cultural rights"—the Declaration of Philadelphia of the I.L.O. and the United Nations Universal Declaration of Human Rights have pointed the way. Why should it be assumed that man is inevitably placed before the dilemma of choosing between compulsion and *laissez-faire*?

204. Every day new inventions are made, new techniques developed, and the social sciences are progressing too, although at a slower rate. But above all, there is now awareness of the problem of underdevelopment, largely because of the work of the international organisations, all of which are striving to find solutions for it. Because of its traditions and structure, the International Labour Organisation will undoubtedly be called upon to play a leading part in this task, if only by emphasising at all times that there can be no real economic development without parallel social development. Social development by definition means the removal of various constraints, one of the most pernicious of which is undoubtedly the modern form of slavery represented by forced labour.

APPENDIX I

LIST OF LEGISLATION TAKEN INTO CONSIDERATION BY THE COMMITTEE IN ITS SURVEY

States Members of the I.L.O.

ALBANIA

- Constitution of the People's Republic of Albania, 1946, as amended.
Act No. 372 of 12 December 1946 empowering police authorities to arrest individuals and to send them to prison camps for forced labour.
Ordinance of 18 March 1948 respecting apprentices (*L.S.*,¹ 1948—Alb. 2; *Gazeta Zyrtare (G.Z.)*, 12 April 1948, No. 40).
Act No. 747 of 30 December 1949 providing for the mobilisation of the entire male population between 18 and 45 years of age for road construction and maintenance.
Decision No. 137 of 2 March 1950 of the Council of Ministers and Decision of 30 June 1951 of the Council of Ministers providing for general mobilisation of the working masses in connection with the fulfilment of the State Economic Plan.
Order No. 36 of 7 March 1951 of the Council of Ministers (*G.Z.*, 7 August 1951, No. 15) to bring rules of employment in undertakings into conformity with the provisions of Decree No. 1187 of 5 December 1950.
Penal Code of 1952 (*G.Z.*, 1 August 1952).
Decree No. 1169 of 13 May 1953 (*G.Z.*, 10 August 1953, No. 10) providing for corrective labour for minor offences, as amended by Decree No. 1781 of 14 December 1953 (*G.Z.*, 30 December 1953, No. 18).
Decree No. 1906 of 2 August 1954 (*G.Z.*, 31 August 1954, No. 13).
Act No. 2250 of 3 April 1956 to promulgate a labour code (*L.S.*, 1956—Alb. 2; *G.Z.*, 20 April 1956, No. 4).

ARGENTINA

- Constitution of the Argentine Republic of 1853, revised in 1860, 1866, 1898 and 1957.
Argentine Penal Code.
Act No. 13985 to repress crimes against the security of the nation (*Boletín Oficial (B.O.)* of 16 October, 1950—*Anales Legislativos (A.L.)*, Vol. X, 1950).
Act No. 13233 prescribing measures for organising the nation in time of war, which may be applied in time of peace (*A.L.*, Vol. VIII, 1948).
Legislative Decree No. 412 of 14 January 1958 respecting the prison system (*B.O.* of 24 January 1958).
Legislative Decree No. 934 of 27 January 1958 prohibiting strikes, partial stoppages and slow-downs, as well as dismissal and transfer of personnel (*B.O.* of 29 May 1958).
Decree No. 9764 of 11 November 1958 respecting the state of siege (*B.O.* of 12 November 1958).
Decree No. 10394 of 27 November 1958 respecting mobilisation of railway employees (*B.O.* of 28 November 1958).
Decree No. 862 of 20 January 1959 respecting mobilisation of the employees of petrol undertakings (*B.O.* of 21 January 1959).
Act No. 14029 of 1951—Military Justice Code (*A.L.*, Vol. XI, 1951).

AUSTRALIA

- Commonwealth of Australia Constitution Act, 1900 (63 and 64 Vict., Chapter 12).
Placitum XXXV of section 51 of the Commonwealth Constitution Act (legislative powers of the Parliament).

L.S.—*Legislative Series* published by the I.L.O.

I. *Commonwealth Laws :*

Defence Act, No. 20 of 1903, as amended.
 National Service Act, No. 2 of 1951, as amended.
 National Service (Discharge of Trainees) Act, No. 28 of 1960.
 Judiciary Act, No. 6 of 1903, as amended.
 Crimes Act, No. 12 of 1914, as amended.
 Commonwealth Public Service Act, No. 21 of 1922, as amended.
 Conciliation and Arbitration Act, No. 44 of 1956 (*L.S.*, 1956—Aust. 1), as amended.
 Navigation Act, No. 4 of 1913, as amended.

II. *State Laws :*

(1) *New South Wales :*

Industrial Arbitration Act, No. 2 of 1940, as amended.
 Crimes Act, No. 40 of 1900, as amended.

(2) *Queensland :*

Criminal Code Act, No. 9 of 1899, as amended.
 Vagrants, Gaming and Other Offences Act, No. 27 of 1931, as amended.
 Industrial Conciliation and Arbitration Act, No. 36 of 1932 (*L.S.*, 1933—Aust. 1), as amended
 (*L.S.*, 1934—Aust. 5; *L.S.*, 1935—Aust. 1; *L.S.*, 1937—Aust. 3; *L.S.*, 1938—Aust. 3).

(3) *South Australia :*

Prisons Act, No. 2305 of 1936, as amended.
 Industrial Code Act, No. 1453 of 1920 (*L.S.*, 1925—Aust. 1), as amended (*L.S.*, 1926—Aust. 1;
L.S., 1935—Aust. 10; *L.S.*, 1936—Aust. 7).
 Criminal Law Consolidation Act, No. 2252 of 1935 (*L.S.*, 1935—Aust. 11), as amended.

(4) *Tasmania :*

Criminal Code Act, No. 69 of 1924, as amended.
 Wages Board Act, No. 51 of 1920, as amended (*L.S.*, 1924—Aust. 1; *L.S.*, 1929—Aust. 1;
L.S., 1934—Aust. 3).

(5) *Victoria :*

Essential Services Act, No. 5263 of 1948.
 Crimes Consolidating Act, 1958.

(6) *Western Australia :*

Criminal Code Act, 1913, as amended.
 Industrial Arbitration Act, No. 57 of 1912, as amended.

AUSTRIA

Federal Constitution of Austria of 10 October 1920, as amended in 1925 and 1929.
 Basic Law of the State of 21 December 1867 (*Reichsgesetzblatt (RGBl.)*, No. 142) respecting the
 general rights of citizens.
 Act of 27 October 1862 for the protection of personal liberty (*RGBl.*, No. 87).
 Penal Code of 29 July 1853, as amended (*RGBl.*, No. 151).
 Criminal Procedure Code of 23 May 1878, as amended.
 Juvenile Courts Act of 18 July 1928, as republished on 10 November 1949 (*Bundesgesetzblatt (BGBl.)*,
 No. 272).
 Administrative Penal Code of 21 July 1925, as republished on 23 May 1950 (*BGBl.*, No. 172) and
 amended by the Act of 30 October 1959 (*BGBl.*, No. 231).
 Vagrancy Act of 24 May 1885 (*RGBl.*, No. 89).
 Act of 10 June 1932 concerning the placing of criminals in labour institutions, as republished on
 24 July 1951 (*BGBl.*, No. 211).
 Military Service Act of 7 September 1955 (*BGBl.*, No. 181).
 Tyrolean Act for the protection of youth (*Landesgesetzblatt (LGBl.)*, 1958, No. 28), as amended by
 the Act of 24 May 1960 (*LGBl.*, 1960, No. 25).

BOLIVIA

Political Constitution of the State of 1945.
 Labour Code of 1939 (*L.S.*, 1939—Bol. 1).
 Penal Code.
 Supreme Decree No. 319 of 15 May 1949 for the purpose of suppressing certain services in contracts
 concerning agriculture (" *pongueaje* " and " *mitanaje* ") (Bolivian Labour Legislation C.N.S.S.
 La Paz, 1954).

BRAZIL

Constitution of 1946.

Penal Code (Legislative Decree No. 2848 of 7 December 1940).

Law No. 3274 of 2 October 1957 on Prison Regulations (*Collection of Laws of 1957; Acts of Legislative Power*, p. 29).

Law No. 1802 of 5 January 1953 on Crimes against the State and against Political and Social Order (*Collection of Laws of 1953, Vol. I; Acts of Legislative Power*, p. 5).

Law No. 2083 of 12 November 1953 on the Freedom of the Press (*Collection of Laws of 1953, Vol. VII; Acts of Legislative Power*, p. 64).

Legislative Decree No. 9070 of 15 March 1946 on the Suspension or Collective Abandonment of Work (*L.S.*, 1946—Braz. 2).

BULGARIA

Constitution of the People's Republic of Bulgaria.

Labour Code of 1951 (*L.S.*, 1951—Bul. 2) as amended by the Law of 15 November 1957 (*Izvestiya na Prezidiuma na Narodnoto S'branie*, No. 92, 15 November 1957) (*L.S.*, 1957—Bul. 2).

Law of 1948 concerning the organisation of aid in case of calamity (*Darjaven Vestnik*, No. 304 of 27 December 1948).

Decree on work concerning special services (*Izvestiya*, No. 26 of 30 March 1954), as amended in 1955 (*Izvestiya*, No. 86 of 25 October 1955).

Ukase No. 57 to approve an Act respecting the self-taxation of the population, dated 6 February 1958 (*L.S.*, 1958—Bul. 1), and Ordinance of 14 February 1961 adopted for the execution of this law (*Izvestiya*, No. 13 of 14 February 1961).

Law on obligatory military service (*Izvestiya*, No. 13 of 14 February 1958), as amended by the Decree of 1959 (*Izvestiya*, No. 58 of 21 July 1959).

Instruction of 10 May 1958 concerning the organisation and direction of the manpower and the notification of vacancies by undertakings, institutions and organisations (*Izvestiya*, No. 39 of 16 May 1958).

Order of the Council of Ministers of 1 October 1956, to approve an ordinance respecting the work of the manpower registration and direction offices and the placement of handicapped persons (*Izvestiya*, No. 81, 9 October 1956, and *L.S.*, 1956—Bul. 1), and the instruction adopted for the application of this Order.

Instruction concerning agricultural engineers, etc. (*Izvestiya* of 1 April 1960), adopted for the execution of the Ordinance of 1959 on the placement of young specialists.

Decision No. 83 of 4 May 1961 on the obligatory period of instruction for chauffeur-mechanics.

BURMA

Union Constitution.

Penal Code.

BYELORUSSIA

Constitution of the Byelorussian S.S.R. of 19 February 1937.

Labour Code of the Byelorussian S.S.R.

Decree of 20 December 1938.

CAMEROUN

Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).

Labour Code (*L.S.*, 1952—Fr. 5).

Penal Code (*Jurisclesseur TOM*) as amended by the Law of 27 May 1959 (*Journal officiel (J.O.)* of 27 May 1959).

Order of 8 July 1933 (*J.O.* of 15 July 1933) concerning Prison Regulations in Cameroun.

Ordinance of 11 November 1959 (*J.O.* of 18 November 1959) concerning creation of the Cameroun Army and the General Organisation of Defence.

Law of 29 July 1881, as amended by the Law of 27 May 1959 (*J.O.* of 27 May 1959) on the freedom of the press.

Ordinance 60/52 of 7 May 1960 (*J.O.* of 12 May 1960) concerning organic law on the state of emergency.

Decree of 8 May 1960 (*J.O.* of 12 May 1960) proclaiming the state of emergency in 11 Departments.

CANADA

Dominion :

Canadian Bill of Rights (Cap. 44, *Statutes of Canada*, 1960).

Criminal Code (Cap. 51, *ibid.*, 1953-54).

FORCED LABOUR

Penitentiary Act (Cap. 206, *Revised Statutes of Canada*).
Prisons and Reformatories Act (Cap. 217, *ibid.*).
Official Secrets Act (Cap. 198, *ibid.*).
Indian Act (Cap. 149, *ibid.*).
Canada Shipping Act (Cap. 29, *ibid.*).
Government Vessels Discipline Act (Cap. 137, *ibid.*)
Industrial Relations and Disputes Act (Cap. 152, *ibid.*).

Provincial :

Forest Fires Prevention Act (Cap. 152, *Revised Statutes of Ontario*, 1960).
Statute Labour Act (Cap. 382, *ibid.*).
Industrial Farms Act (Cap. 185, *ibid.*).
Labour Relations Acts (Cap. 202, *ibid.*); Cap. 132 of the *Revised Statutes of Manitoba*; Cap. 17, 1954, *Statutes of British Columbia*; Cap. 167, *Revised Statutes of Alberta*.
Civil Defence Act (Cap. 38, *Revised Statutes of Manitoba*, 1954).
Masters and Servants Ordinance (Cap. 66, *Revised Statutes of the North-West Territories*).

CENTRAL AFRICAN REPUBLIC

Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
Labour Code of 2 June 1961 (*Journal Officiel (J.O.)*, special issue, August 1961).
Penal Code, Law No. 61-239 of 18 July 1961 (*J.O.*, No. 16 of 15 August 1961).
Law No. 60-175 of 17 January 1960 concerning suppression of offences by different authorities (*J.O.* of 1 February 1960).
Law No. 60-107 of 20 June 1960 (*J.O.* of 15 July 1960) instituting permanent control of the active population of the Central African Republic.
Law No. 60-109 of 27 June 1960 (*J.O.* of 15 July 1960) for the development of the rural economy.

CEYLON

Abolition of Slavery Ordinance, No. 2, 1844 (Cap. 62).
Penal Code (Cap. 15).
Industrial Disputes Act, No. 43, 1950 (*L.S.*, 1950—Cey. 1).
Public Security Ordinance, No. 25, 1947, and Regulations of 12 October 1961 made thereunder.

CHAD

Constitution of 28 November 1960.
Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
Labour Code of 15 December 1952 (*L.S.*, 1952—Fr. 5).
Penal Code (*Jurisclesseur TOM*).
Order No. 2772 of 18 August 1955 (*Journal officiel de l'Afrique équatoriale française* of 15 September 1955) regulating the functioning of the prisons establishments and the prison labour in "AEF".
Law No. 14 of 13 November 1959 (*Journal officiel* of 1 January 1960).
Law No. 15 of 13 November 1959 (*J.O.* of 1 December 1959) intended to suppress the acts of disobedience towards the authorities.
Law No. 35 of 8 January 1960 (*J.O.* of 15 January 1960).
Ordinance No. 2 of 27 May 1961 (*J.O.* of 15 June 1961) concerning the organisation and recruitment of the armies of the Republic.

CHILE

Labour Code of 1931 (*L.S.*, 1931—Chil. 1), as amended up to 1958 (*Chilean Social Legislation*, Vol. VIII, 1958, Juan Díaz Salas).
Penal Code.
Law of 11 February 1937 on the internal security of the State.

CHINA

Constitution of the Republic of China of 1 January 1947.
Civil Code.

Penal Code.

Code of Penal Procedure.

Labour Service Act of 4 December 1943 (*L.S.*, 1943—Ch. 7).

Factory Law of 3 December 1932 (Labour Laws and Regulations, Ed. 1961).

Trade Union Law of 7 January 1949 (*ibid.*).

Labour Disputes Act of 1928, as amended in 1943 (*L.S.*, 1943—Ch. 1).

CONGO (BRAZZAVILLE)

Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).

Labour Code of 15 December 1952 (*L.S.*, 1952—Fr. 5).

Penal Code (*Jurisclesseur TOM*).

Order No. 2772 of 18 August 1955 (*Journal officiel de l'Afrique équatoriale française* of 15 September 1955) concerning the regulation of the functioning of prisons and prison labour in French Equatorial Africa.

Ordinance No. 2 of 7 March 1959 (*Journal officiel* of 1 April 1959) concerning residence restrictions of persons whose activities are of a nature to endanger public order.

Law No. 21/60 of 11 May 1960 (*J.O.* of 12 May 1960) allowing the Government to take measures of removal, confinement and expulsion of persons considered dangerous for public order and security.

Law No. 43/59 of 2 October 1959 (*J.O.* of 14 October 1959) anticipating the institution of a Special Criminal Code and Decree No. 59/206 of 7 October 1959 (*J.O.* of 14 October 1959) concerning the creation of the said Special Code.

Law No. 19/60 of 11 May 1960 (*J.O.* of 12 May 1960) providing for an obligation of registration of association and authorising the dissolution of associations considered to be contrary to the national interest.

Law No. 20/60 of 11 May 1960 (*J.O.* of 12 May 1960) intended to suppress certain infractions committed through publications or other means of expression.

Law No. 23/60 of 11 May 1960 (*J.O.* of 12 May 1960) on public gatherings.

Law No. 44/59 of 2 October 1959 (*J.O.* of 14 October 1959) concerning organisation of centres of adjustment, reclassification, rural assessment and employment of unemployed urban youth.

Decree No. 60/32 of 4 February 1960 and No. 60/100 of 11 March 1960 concerning organisation of officers and recruitment of the quota for obligatory civic service pertaining to youth through the application of the Law of 2 October 1959.

Decree No. 59-224 of 31 October 1959, No. 59-246 of 1 January 1959, No. 60-337 of 14 February 1960, No. 61-3 of 11 January 1961, No. 61-77 of 13 April 1961 and No. 61-81 of 13 April 1961 enacted for the application of the Law of 2 October 1959.

Law No. 24/60 of 11 May 1960 (*J.O.* of 12 May 1960) on requisitions.

Decree No. 60-170 of 28 May 1960 on essential services.

Law No. 16/61 of 16 January 1961 (*J.O.* of 1 February 1961) concerning organisation of the defence of the territory of the Republic.

Law No. 17/61 of 16 January 1961 (*J.O.* of 1 February 1961) concerning the organisation and recruitment of the Armed Forces of the Republic.

CONGO (LEOPOLDVILLE)

Fundamental Law of 19 May 1960 concerning structures of the Congo (*Moniteur congolais*, No. 21bis of 27 May 1960).

Fundamental Law of 17 June 1960 on public liberties (*Moniteur Belge* of 24 June 1960).

Civil Code, Book III, articles 40 and 428 (*Codes and Laws of the Belgian Congo*, Vol. I).

Penal Code, Decree of 30 January 1940 (*ibid.*, Vol. I).

Decree of 6 August 1959 concerning Code of Penal Procedure, articles 27 to 47 (*ibid.*, Vol. II, pp. 47-49).

Ordinance No. 11/13 of 15 January 1960 concerning prison regulations (*Moniteur congolais*, No. 10 of 7 March 1960) which aggregate the Ordinance of 15 October 1931.

Ordinance No. 15 of 20 January 1928 establishing the prison regulations concerning native conscriptions (*Codes and Laws of the Belgian Congo*, Vol. II, p. 164).

Legislative Ordinance No. 25/557 of 6 November 1959 establishing penalties to be applied in case of violation of rules of general order (*ibid.*, Vol. I, p. 344).

Decree of 17 August 1959 on freedom of association (*ibid.*, Vol. I, p. 395).

Ordinance No. 25-505 of 5 October 1959 on public manifestations and gatherings (*ibid.*, Vol. I, p. 397), and Decree of 17 August 1959 on indoor public gatherings (*ibid.*).

- Order of 11 August 1960 on exceptional measures in case of serious trouble concerning freedom of association and gathering (*Moniteur congolais*, No. 36 of 5 September 1960).
- Legislative Decree of 14 January 1961 (*ibid.*, No. 4 of 31 January 1961) intended to suppress subversive propaganda.
- Decree of 16 May 1960 (*ibid.*, No. 22 of 30 May 1960) pertaining to infractions of public order and tranquillity.
- Decree of 20 October 1959 on a state of emergency (*Codes and Laws of the Belgian Congo*, Vol. I, pp. 409-410).
- Ordinance of 19 April 1943 (*ibid.*, Vol. I, p. 414) concerning regulation on imprisonment of coloured persons.
- Legislative Law No. 1-61 of 25 February 1961 (*Moniteur congolais*, No. 8 of 9 March 1961) concerning measures for the state security.
- Ordinance of 5 March 1922 on freedom of the press (*Codes and Laws of the Belgian Congo*, Vol. III, p. 712).
- Decree of 23 May 1896 and Ordinance of 26 May 1930 on the vagrants and beggars and their placement at the disposition of the Government (*ibid.*, Vol. II, pp. 168-169).
- Decree of 10 May 1919 on the organisation of the public force, article 7, and circular of 21 February 1949 regulating the participation of the troops in public utility works (*ibid.*, Vol. II, p. 383).
- Decree of 31 July 1920 on the régime of the occupation, articles 4 and 5 (*ibid.*, Vol. I, p. 403).
- Legislative Ordinance No. 112 of 11 June 1940 on civil requisitions, articles 1, 4 and 12 (*ibid.*, Vol. I, pp. 415-460).
- Decree of 10 May 1957 on the conscriptions of natives, articles 30 (*k*), 71, 72, 82 and 98 (*ibid.*, Vol. II, pp. 215-221).
- Ordinance No. 53-5 of 9 April 1915 on the measures of conservation and preservation of destruction of forests and trees (*ibid.*, Vol. III, p. 265).
- Ordinance No. 33 of 25 March 1927 on measures for the destruction of insects and cryptogamic parasites (*ibid.*, Vol. III, p. 265).
- Legislative Decree of 1 February 1961 (*Moniteur congolais*, No. 9 of 28 March 1961) on the hire of services, articles 75 and 79 which abrogate the Decree of 25 June 1949 on employment contracts, the Decrees of 16 March 1922 and 30 June 1954 on work contract (co-ordinated by the Order of 19 July 1954) and the Decree of 30 June 1954 on recruitment.
- Decree of 27 June 1960 establishing the Book V of the Code of Maritime and River Navigation (*ibid.*, No. 36 of 5 September 1960) which abrogates the texts of previous laws on river navigation (articles 133, 134, 136 and 138).
- Decree of 25 January 1957 on the exercise of the right of association, articles 5 and 7 (*Codes and Laws of the Belgian Congo*, Vol. III, p. 223).
- Decree of 18 May 1959 regulating the obligatory conciliation and arbitration procedure in case of a collective labour conflict (*L.S.*, 1959—C.B. 3).
- Ordinance No. 22-287 of 25 May 1960 (*Moniteur congolais*, No. 28 of 11 July 1960) and Order of 6 January 1961 (*ibid.*, No. 3 of 24 January 1961) concerning the conciliation and arbitration in production works, waterworks, production undertakings, transport and electricity supply undertakings.
- Legislative Decree respecting contracts for the hire of services. Dated 1 February 1961 (*ibid.*, No. 9 of 28 March 1961, p. 71).

COSTA RICA

Political Constitution.

Labour Code (*L.S.*, 1943—C.R. 1).

Penal Code.

Police Code.

Law No. 1161 of 2 June 1950 on individual guarantees (*Ley de Amparo*).

Law No. 9 of 21 August 1917 on vagrants (*Ley de Vagos*).

The General Law No. 110 of 24 August 1921 on roads, as amended in 1924, 1925 and 1931.

CUBA

Penal Code (Social Defence Code of Cuba).

Penal Regulation No. 1, promulgated in the Sierra Maestra on 21 February 1958 (*Folleto de Divulgación Legislativa*, Vol. IV, March 1959, Havana).

Penal Code of the Cuban Nation in Arms of 28 July 1896 (*Folleto de Divulgación Legislativa*, Vol. IV, March 1959).

Law No. 938 concerning work procedure and social security of 28 February 1961 (*Gaceta oficial*, No. 7, special number of 1 March 1961).

CYPRUS

Constitution of 1960.
 Criminal Code (Chapter 13 of *Laws of Cyprus*, 1949 Edition).
 Prison Discipline Law (Chapter 266 of Laws of 1949).
 Prisons Regulations.
 Seditious Publications Law (Chapter 156 of Laws of 1949).
 Assemblies and Processions Law of 1958 (Laws of 1958).
 Forest Law (Chapter 93 of Laws of 1949).
 Governmental Waterworks Law (Chapter 305 of Laws of 1949).
 Supplies and Services [Transitional Powers (Cyprus)] Order, 1946 (Subsidiary Legislation of Cyprus, 1946).
 Supplies and Services (Transitional Powers) Act, 1945 (*ibid.*).
 Supplies and Services (Transitional Powers) (Colonies, etc.) Order, 1946 (*ibid.*).
 Essential Works (Hotels and Restaurants) Order, 1954 (*ibid.*, 1954).
 Merchant Shipping Acts, 1894-1950.
 Trade Disputes (Conciliation, Arbitration and Inquiry) Law (Chapter 171 of Laws of 1949).
 Trade Unions Law (Chapter 172 of Laws of 1949).

CZECHOSLOVAKIA

Constitutional Laws of 9 June 1948 and 11 July 1960.
 Penal Code Act No. 86 of 12 July 1950, and Ministerial Order No. 1 of 1957, adopted in pursuance of this Code.
 Decree of the President of the Republic (Part II) No. 88 of 1 October 1945, respecting general compulsory labour service (Chapters II and III) (*Sbírka zákonů*, No. 40 of 17 October 1945, text 88) (*L.S.*, 1945—Cze. 2).
 Governmental Order No. 40, of 28 April 1953, concerning civic service work.
 Act No. 70 of 17 October 1958 respecting the duties of undertakings and the People's Committees in making provision for manpower (*Sbírka zákonů*, No. 28 of 10 November 1958, text 70) (*L.S.*, 1958—Cze. 1).
 Governmental Order No. 24 of 17 April 1959 on the obligation of the administrative organs of the State and the undertakings to provide for the graduates of higher institutions and professional schools.
 Administrative Penal Code No. 88 of 1950, as amended by Act No. 102 of 1953.

DAHOMÉY

Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
 Labour Code (*L.S.*, 1952—Fr. 5).
 Law No. 61-7 (*Journal officiel* of 21 July 1961) on public security.
 Law No. 60-12 of 30 June 1960 on the freedom of the press, as amended by the Law of 20 February 1961.
 Decree No. 60-328 of 11 November 1960 to create a national group of young workers (*J.O.* of 1 December 1960).

DENMARK

Constitution of 5 June 1915 as amended.
 Penal Code of 1930, as amended by the Laws of 24 June 1939, 1 June and 28 August 1945 and 7 June 1952 (*Les Codes pénaux européens*, Centre français de droit comparé, Vol. I, 1958).
 Act of 4 October 1919 respecting the Permanent Arbitration Court (*L.S.*, 1929—Den. 2 B).
 Law No. 229 of 20 December 1929 concerning regulation and partial suppression of compulsory work in the communes (*Danmarks Lov*, 1665-1949).
 Act No. 5 of 18 January 1934 respecting intervention in labour disputes (*L.S.*, 1934—Den. 1).
 Notification No. 15 of 28 January 1958 of the Act respecting conciliation in industrial disputes (*L.S.*, 1958—Den. 1).
 Seamen's Act, No. 229 of 7 June 1952 (*L.S.*, 1952—Den. 1).

DOMINICAN REPUBLIC

Constitution of 1 December 1955 (*Gaceta oficial* (*G.O.*), 2 December 1955).
 Labour Code (Act No. 2920 of 11 June 1951) (*L.S.*, 1951—Dom. 1); as amended by Act No. 4667 of 12 April 1957 (*L.S.*, 1957—Dom. 1).

FORCED LABOUR

- Penal Code of 20 August 1884, as amended [for consolidated text, see *Información jurídica* (Madrid), September-October 1959, Nos. 196-197, p. 1717].
Act No. 1443 of 14 June 1947 to prohibit organisations contrary to the Constitution (*G.O.* of 16 June 1947).
Act No. 3143 of 11 December 1951 to impose penalties on persons who, having received payment for work, do not perform it (*G.O.*, No. 7363).
Act No. 3455 of 18 December 1952 on municipal organisation (*G.O.* of 29 January 1953).
Act No. 3456 of 18 December 1952 on the organisation of the District of San Domingo (*G.O.* of 29 January 1953).
Act No. 3589 of 27 June 1953 providing for the discontinuation of state agricultural settlement (*G.O.* of 4 July 1953).
Decree No. 9563 of 5 December 1953 (*G.O.* of 9 December 1953).

ECUADOR

- Political Constitution.
Labour Code; Decree No. 210 of 5 August 1938 (*L.S.*, 1938 and 1954—Ec. 1 B) as amended.
Penal Code.
Civil Code.
Law on the organisation of the régime of the communes (*Legislación indigenista de Ecuador* (Edited by Instituto indigenista interamericano, Mexico)).

FINLAND

- Constitution of 1919 (*Suomen Asetuskokoelma—Finlands Författningssamling* (S.A.—F.F.), No. 94/19).
Penal Code and Ordinance of 1889 on the execution of penalties (*Les Codes pénaux européens*, Centre français de droit comparé, Vol. II, 1958).
Vagrancy Act of 17 January 1936 (S.A.—F.F., No. 57/36).
Alcoholics Act of 17 January 1936 (*ibid.*, No. 60/36).
Law No. 570 of 12 July 1946 respecting conciliation in labour disputes (*L.S.*, 1946—Fin. 3 B).
Act of 20 August 1948 concerning the ensuring of a child's maintenance in certain cases (S.A.—F.F., No. 614/48).
Seamen's Act of 30 June 1955 (*L.S.*, 1955—Fin. 2).
Welfare Assistance Act of 17 February 1956 (S.A.—F.F., No. 116/56).
Protection of the Population Act of 31 October 1958 (*ibid.*, No. 438/58).

FRANCE

- Constitution of 4 October 1958 (*Journal officiel* (J.O.) of 4 October 1958).
Penal Code.
Criminal Procedure Code.
Labour Code (*Petits Codes Dalloz*, 1960 edition).
Decree of 19 January 1923 on prison regulation (*J.O.* of 31 January 1923).
Decree of 29 June 1923—Prison Regulation (*J.O.* of 20 July 1923).
Law of 29 July 1881 on freedom of the press.
Decision of 29 September 1961 concerning measures to be taken in respect of persons participating in an undertaking of a subversive nature (*J.O.* of 20 September 1961, p. 8963).
Ordinance No. 58-916 of 7 October 1958 concerning the measures to be taken for reasons of public security in respect of dangerous persons, who aid the rebels in the Algerian Department (*J.O.* of 8 October 1958).
Decision of 27 April 1961 concerning certain publications (*J.O.* of 28 April 1961).
Decision of 24 April 1961 extending the Ordinance of 7 October 1958 (*J.O.* of 24 April 1961).
Legislative Decree of 19 October 1939 relating to the status of requisitioned personnel (*J.O.* of 30 October 1939).
Law of 11 July 1938 on general organisation of the nation in time of war (*Petits Codes Dalloz—Code Pénal*, 1960 edition, p. 137).

GABON

- Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
Labour Code (*L.S.*, 1952—Fr. 5).
Constitution of 21 February 1961.

- Law No. 55-59 of 15 December 1959 (*Journal officiel (J.O.)* of 15 January 1960) concerning the organisation of prisons' services and prison regulations in the Gabon Republic.
- Law No. 84-59 of 5 January 1960 (*J.O.* of 1 February 1960) on the freedom of the press and of opinion.
- Law No. 49-60 of 8 June 1960 (*J.O.* of 15 July 1960) intended to suppress subversive plots and danger to the security of the State.
- Law No. 48-60 of 8 June 1960 (*J.O.* of 15 July 1960) on public gatherings.
- Legislative Decree No. 4/PM of 6 December 1960 (*J.O.* of 1 January 1961) on the organisation and recruitment of the army of the Gabon Republic.
- Law No. 19-61 of 12 May 1961 (*J.O.* of 15 June 1961) concerning organisation of the defence of the national territory.

FEDERAL REPUBLIC OF GERMANY

- Basic Law for the Federal Republic of Germany, dated 23 May 1949 (*Bundesgesetzblatt (BGBl.)*, p. 1) (*L.S.*, 1949—Ger.F.R. 1), as subsequently amended, in particular by the Act of 19 March 1956 to supplement the Basic Law (*BGBl.*, Part I, p. 111) (*L.S.*, 1956—Ger.F.R. 1).
- Land Constitution of the Free Hanseatic City of Bremen at 21 October 1947.
- Constitution of Land Hess of 11 December 1946.
- Constitution of Land Rhineland-Palatinate of 18 May 1947.
- Constitution of Land Berlin of 1 September 1950.
- Penal Code, as published on 25 August 1953 (*BGBl.*, Part I, p. 1083) and subsequently amended.
- Assemblies Act of 24 July 1953 (*BGBl.*, Part I, p. 684).
- Act of 29 June 1956 concerning judicial procedure in cases involving deprivation of freedom (*BGBl.*, Part I, p. 599), as subsequently amended.
- Federal Social Assistance Act of 30 June 1961 (*BGBl.*, Part I, p. 815).
- Compulsory Military Service Act, as published on 14 January 1961 (*BGBl.*, Part I, p. 29).
- Substitute Civilian Service Act of 13 January 1960 (*BGBl.*, Part I, p. 10).
- Seamen's Act of 26 July 1957 (*BGBl.*, Part II, Vol. 1, p. 713).
- Association Act of 19 April 1908 (*Reichsgesetzblatt*, p. 151).

GHANA

- Prisons Ordinance (Cap. 40, *Laws of Ghana*, 1951 edition), and the Prisons Regulations made thereunder.
- Labour Ordinance (Cap. 89).
- Conspiracy and Protection of Property (Trade Disputes) Ordinance (Cap. 90).
- Control of Beggars and Destitutes Ordinance, No. 36 of 1957.
- Deportation Act, No. 14 of 1957, as amended by Act No. 65 of 1959.
- Merchant Shipping (Transitory Provisions) Act, No. 23 of 1957.
- Interpretation Act, No. 29 of 1957.
- Builders Brigade Board Act, No. 37 of 1957.
- Preventive Detention Act, No. 17 of 1958.
- Industrial Relations Act, No. 56 of 1958, as amended by Act No. 43 of 1959 (*L.S.*, 1958—Ghana 1; *L.S.*, 1959—Ghana 1).
- Criminal Code, 1960 (Republic of Ghana Act No. 29).
- Criminal Procedure Code, 1960 (Republic of Ghana Act No. 30).

GREECE

- Constitution of 1 January 1952.
- Penal Code of 1951, as amended by the Legislative Decree No. 4090 of 1960 (*Les Codes pénaux européens*, Centre français de droit comparé, Vol. II, 1958).
- Act of 1871 relating to the struggle against brigandage, as amended.
- Decree of 17 July 1923 concerning discipline in prisons.
- Decree of 30 July 1925 on the regulation of work farms and outdoor works.
- Legislative Decree of 4 May 1946 and Law No. 41 of 1946 amending the Legislative Decree of 19/21 April 1924 concerning the deportation of all persons who might give aid to robbers or perform acts contrary to public order and state security.
- Law of 19/26 February 1911 and Decree of 14/27 May 1928 concerning respectively the employment of the Army on certain works outside the scope of its proper functions and the exaction from military units of certain works of a communal nature.
- Law No. 5458 of 7 May 1932 concerning public employees (right to strike) (*L.S.*, 1932—Gre. 5).
- Act No. 6281 of 1935 completing and codifying the Act No. 512 concerning action against rats and locusts.

Royal Decree of 7 April 1937 concerning administrative services and book-keeping in state prisons and penitentiaries.
 Law No. 3239 of 18 May 1955 to prescribe the manner of settling collective labour disputes, to set up a national advisory board on said policy, and to amend and supplement the provisions of certain labour laws (*L.S.*, 1955—Gre. 2).
 Penal and Disciplinary Code for the Mercantile Marine of 13 December 1923 (*L.S.*, 1923—Gre. 5), amended and supplemented up to 1936.
 Law No. 229 of 25 October 1936 respecting the settlement of collective disputes in connection with seafaring (*L.S.*, 1936—Gre. 5).
 Law No. 1752 of 1951 respecting employment at sea (*L.S.*, 1951—Gre. 1), as amended by Legislative Decree No. 2652 of 17 October 1953 (*L.S.*, 1953—Gre. 2).
 Law No. 2079 of 1952 ratifying the Forced Labour Convention, No. 29 (*Ephemeris tes Kyherneseos*, No. 108, Vol. 1, 1952).
 Act No. 1910 of 1951 concerning municipal revenues.

GUATEMALA

Constitution of the Republic.
 Labour Code (*L.S.*, 1947—Guat. 1; *L.S.*, 1956—Guat. 2).
 Penal Code.
 Prison Regulations.
 Law on Public Order.
 Law on Vagrancy (Decree No. 1996).
 Law relating to agrarian reform (Decree No. 900 of the Congress).
 Regulation No. 76 on the Limitation of the Working-Day of Farm Workers (*Diario de Centroamérica*, Vol. XLIII, No. 13, 15 March 1945, p. 105) (*L.S.*, 1945—Guat. 1).
 Decree No. 102 of 15 May 1945 confirming Decree No. 75 relative to contracts of farm workers (*Diario de Centroamérica*, Vol. XLIII, No. 66, 22 May 1945, p. 501) (*L.S.*, 1945—Guat. 1-B).
 Legislative Decree No. 1995 of 7 May 1934 prohibiting the grant of advances to *colonos* or to day-labourers (*Legislación indigenista de Guatemala*, Instituto Indigenista Americano, Mexico, 1954, p. 108).
 Regulation of 1 September 1930 on the Service of Infantry Sappers of the Republic of Guatemala (*ibid.*, p. 103).

GUINEA

Constitution of 10 November 1958.
 Labour Code of 30 June 1960.
 Ordinance No. 48 PG of 8 October 1959 (*Journal officiel (J.O.)* of 10 October 1959).
 Law No. 5 AN-CAB of 10 December 1960 (*J.O.* of 1 January 1961).

HAITI

Constitution of 19 December 1957.
 Penal Code of 11 August 1835 as amended (Rigal edition, 1953).
 Criminal Procedure Code, revised to 1935.
 Law of 4 August 1924 Guaranteeing Independence (annex to Penal Code, 1953).
 Law of 3 July 1929 punishing with forced labour anyone who profanes monuments raised to the memory of the founders of the independent State of Haiti (annexed to Penal Code, 1953).
 Legislative Decree of 19 November 1926 on communist activities (*Le Moniteur*, November 1936).
 Legislative Decree of 13 June 1950 on the Press (annexed to Penal Code, 1953).
 Decree of 8 December 1960 concerning the obligation of workers to observe hours of work laid down by regulation (*Le Moniteur*, 12 December 1960).
 Labour Code of 1961.

HONDURAS

Constitution of the Republic.
 Labour Code (*L.S.*, 1959—Hond. 1).
 Penal Code of Honduras.
 Compulsory Military Service Act.
 Decree No. 39 of 15 February 1944 (Compulsory Military Service).

HUNGARY

Labour Code of 1951 (Legislative Decree No. 7 of 1951) (*L.S.*, 1951—Hung. 1), as amended by Legislative Decree No. 25 of 1953 (*L.S.*, 1953—Hung. 1).

Act No. II of 1950 respecting the General Part of the Hungarian Penal Code (*Magyar Közlöny*, 18 May 1950, pp. 112-121).
 Legislative Decree No. 31 of 1951 respecting the bringing into force of the Criminal Procedure Code.
 Decree No. 40 of 1951 of the Council of Ministers respecting the engagement of workers.
 National Defence Act, No. IV of 1960.
 Decree No. 55/1960 of the Hungarian Revolutionary Worker-Peasant Government respecting the engagement of released prisoners.

ICELAND

Constitution of 17 June 1944.
 Penal Code, Act No. 19 of 1940 (*Les Codes pénaux européens*, Centre français de droit comparé, Vol. II, 1958).
 Maintenance Act of 5 June 1947 (No. 80 of 1947).

INDIA

Constitution of India, 1949.
 Indian Penal Code.
 Prisons Act, No. 908 of 1894.
 Prevention of Seditious Meetings Act, No. 10 of 1911.
 Indian Criminal Law Amendment Act, No. 14 of 1908.
 Indian States (Protection against Disaffection) Act, 1922 (Unrepealed General Acts, Vol. VII).
 Police (Incitement to Disaffection) Act, No. 22 of 1922.
 Preventive Detention Act, No. 4 of 1950.
 Uttar Pradesh Industrial Disputes Act, 1947 (*The Labour Manual*, Vol. III).
 Armed Forces (Emergency Duties) Act No. 15 of 1947.
 Territorial Army Act, No. 56 of 1948.
 Post Office Act, No. 6 of 1898.
 Merchant Shipping Act, No. 44 of 1958.
 Indian Trade Union Act, No. XV of 1926.
 Preventive Detention (Continuance) Act, No. 54 of 1957.
 Orissa Compulsory Labour Act, 1948, as amended by Act No. 10 of 1955.
 Bombay Irrigation Act, No. 7 of 1897.
 Mysore Irrigation Act, No. 1 of 1932.
 Central Provinces Irrigation Act, No. 3 of 1931.
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Merchant Shipping Act, 1894 (U.K. Act).
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ISRAEL

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Law and Administration Ordinance, No. 1 of 1948.
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 Peace Preservation Law, No. 46 of 1925.
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Penal Code (Cap. 45, *ibid.*), extended throughout the Federation by Ordinance No. 32 of 1948.

Minor Offences Enactment (Cap. 46, *ibid.*).

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Cultivation of Rice Enactment (Cap. 214, *ibid.*: applicable only in the State of Negri Sembilan).

Malacca Lands Customary Rights Ordinance (Cap. 125, *Laws of the Straits Settlements*, 1936 edition).

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Trade Disputes Ordinance, No. 4 of 1949, as amended by Ordinances Nos. 13 and 53 of 1956.

Societies Ordinance, No. 28 of 1949.

Merchant Shipping Ordinance, No. 70 of 1952.

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Internal Security Act, No. 18 of 1960.

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 Dahir of 10 February 1959 (*B.O.*, 5 March 1959).
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 Civil Code of 14 June 1836, as amended.
 Penal Code.
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 Civil Authorities' Emergency Powers Act of 23 July 1952 (*Staatsblad*, 1952, No. 361).
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 Trade Unions Act, No. 196 of 1908.
 Police Offences Act, No. 35 of 1927.
 Shipping and Seamen Act, No. 49 of 1952.
 Public Safety Conservation Act, No. 3 of 1932.
 Aliens Act, No. 28 of 1948.
 Industrial Conciliation and Arbitration Act, No. 12 of 1954.
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Political Constitution of Nicaragua, dated 1 November 1950 (*L.S.*, 1950—Nic. 1).
 Penal Code of Nicaragua, 1891.
 Act of 10 September 1945 (obligation of workers in the case of accident in the undertaking).

NIGER

Act No. 46-645 to suppress forced labour in the overseas territories, dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
 Labour Code, 15 December 1952 (*L.S.*, 1952—Fr. 5).
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 Desertion from Ships Ordinance (Cap. 49).
 Labour Ordinance (Cap. 91).
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 Trade Unions Ordinance (Cap. 200).

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 Law No. 5 of 31 May 1900 on Vagrants, Tramps, and Drunkards, as amended (*ibid.*, 1682 to 1959).
 Law of 5 May 1927 on Labour Disputes, as amended up to 1949 (*L.S.*, 1927—Nor. 1; 1931—Nor. 1; 1933—Nor. 2; 1934—Nor. 1; 1935—Nor. 1; 1949—Nor. 5).
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 Post Office Act, 1898 (*India Code*, Vol. VI).
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 Indian States (Protection against Disaffection) Act, 1922 (*Unrepealed General Acts of India*, Vol. VII).
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 Act No. 605 of 6 October 1920 prohibiting unpaid services (*ibid.*).
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 Administrative Code.
 Civil Code.
 Commonwealth Act No. 616 respecting espionage and other offences against national security.
 National Defence Law.
 Commonwealth Act No. 23 to define and regulate legitimate labour organisations (*Asian Labour Laws*, p. 1213; *Labour and Industrial Laws*, edited by T. C. Martin, 1952 edition, p. 277).
 Republic Act No. 875 to promote industrial peace and for other purposes (*L.S.*, 1953—Phil. 1).
 Republic Act No. 1700 of 20 June 1957 to outlaw the Communist Party, etc. [Anti-Subversion Act].
 Pine Rice Share Tenancy Act No. 4054, as amended (*Labour and Industrial Laws*, Martin, p. 245).
 Commonwealth Act No. 103 of 29 October 1936 to create a court of industrial relations (*Labour and Industrial Laws*, Martin, p. 296).
 Commonwealth Act No. 358 of 22 August 1938 respecting the taking over and operation by the Government of public utilities or businesses coupled with a public interest (*Labour and Industrial Laws*, Martin, p. 364).
 Republic Act No. 1167 of 18 June 1954 respecting peaceful picketing (*Official Gazette*, September 1954, p. 4096).
 Standing Operation Procedure Order, issued by the Chief of Staff of the Armed Forces on 14 March 1951, for constabulary and armed forces called upon to perform strike duty.

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 Order of the President of the Republic, of 14 October 1927, respecting beggars and vagrants (*Dziennik Ustaw Polskiej Rzeczypospolitej Ludowej (D.U.)*, 25 October 1927, No. 92, text 823);
 Order of the Minister of Labour and Social Welfare of 13 May 1950 to bring the above Order into execution in the whole country (*D.U.*, 3 July 1950, No. 26, text 238).
 Order of the President of 16 March 1928 respecting contracts of employment for manual workers (*D.U.*, No. 35, text 324; *L.S.*, 1928—Pol. 3).
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 Order of the Minister of Labour of 28 November 1946 respecting the registration to be carried out in accordance with the Decree of 8 January 1946 (*D.U.*, 20 December 1946, No. 70).
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 Decision No. 327 of 16 August 1957 respecting order and discipline in employment (*Monitor Polski*, 28 August 1957, No. 70, text 432).
 Act of 30 January 1959 (*D.U.*, 1959, No. 14) concerning general military service and providing for the repeal of the Act of 4 February 1950.

PORTUGAL

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 Decree No. 16199 of 6 December 1928 to approve the Native Labour Code for the Portuguese colonies in Africa (*Diário do Governo (D.G.)*, first series, No. 281, 6 December 1928) (*L.S.*, 1928—Por. 3).
 Legislative Decree No. 23870 of 18 May 1934 to lay down the penalties to which persons are liable who commit the offence of engaging in a lockout or a strike (*L.S.*, 1934—Por. 2).
 Legislative Decree No. 24836 of 2 January 1935 to amend section 22 of the Legislative Decree of 18 May 1934 (penalties) (*D.G.*, 1935, p. 7).

Legislative Decree No. 23048 of 23 September 1933 to promulgate the national labour statute (*D.G.*, first series, No. 217, 23 September 1933) (*L.S.*, 1933—Por. 5), extended to the colonies by Decree No. 27552 of 5 March 1937 (*D.G.*, first series, No. 53, 5 March 1937).
Decree No. 43039 of 30 June 1960 to define the breaches of contracts of employment of native workers which may only be subject to civil sanctions (*D.G.*, first series, No. 150, 30 June 1960).
Legislative Decree No. 43893 of 6 September 1961 to abolish native status (*D.G.*, 6 September 1961).

Angola

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Mozambique

Order No. 1180 of 4 September 1930 to approve the Native Labour Regulations of the colony of Mozambique (*Boletim oficial Companhia de Moçambique*, No. 20, 1930).

RUMANIA

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Labour Code of 30 May 1950 (*L.S.*, 1950—Ru. 1), as modified by Decree No. 369 of 13 July 1956 (*L.S.*, 1956—Ru. 1) and Decree No. 90 of 18 February 1958 (*L.S.*, 1958—Ru. 1).
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Decree No. 27 of 17 July 1940 concerning the repression of vagrants and malefactors (*Diario oficial (D.O.)* of 20 July 1940).
Decree No. 353 of 21 August 1951 respecting industrial associations, as amended by Decree No. 2093 of 18 April 1956 (*L.S.*, 1951—Sal. 3; 1956—Sal. 1).
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Decree No. 322 of 15 January 1946 respecting collective labour disputes (*L.S.*, 1946—Sal. 2), as amended by a decree published in the *D.O.* on 19 March 1949.
Decree No. 92 of 30 August 1946 on sanctions for infringements of laws, awards, and contracts of employment (*D.O.* of 2 September 1946).
Decree No. 805 of 26 September 1952 suspending the guarantees laid down in articles 154, 158, 159 and 160 of the Constitution (*D.O.* of 26 September 1952).

SENEGAL

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Labour Code of 15 June 1961 (*Journal officiel (J.O.)* of 3 July 1961).
Penal Code (*Jurisclasseur TOM*).
Law No. 60-42 of 20 August 1960 (*J.O.* of 24 August 1960) regarding state emergencies.
Ordinance 60-27 of 10 October 1960 (*J.O.* of 15 October 1960) relative to public order and security.
Ordinance 60-52 of 14 November 1960 (*J.O.* of 19 November 1960) to reinforce the maintenance of public order.
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SIERRA LEONE

Prohibition of Forced Labour Ordinance, 1956 (section 3).
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Prisons Ordinance, 1960.
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Sedition Ordinance (Cap. 29).
Undesirable Publications Ordinance (Cap. 113).
Police Ordinance (Cap. 150).
The Protectorate Land Ordinance (Cap. 122).
The Protectorate Ordinance (Cap. 60).

Summary Convictions Offences Ordinance (Cap. 37).
 Protectorate Vagrancy Ordinance (Cap. 64).
 Tribal Administration (Colony) Ordinance (Schedules) (Cap. 78).
 Employers and Employed Ordinance (Cap. 212).
 Guides Prohibition Ordinance (Cap. 73).
 Undesirable British Subjects Control Ordinance (Cap. 87).
 Tribal Authorities Ordinance (Cap. 61).
 The Trade Disputes (Declaration of Law) Ordinance (Cap. 222).
 Merchant Shipping Act, 1894.

SOMALI REPUBLIC

Constitution of the Somali Republic, as of 1 July 1960.
 Prison Ordinance, 1952.
 Prison Rules, 1953.
 Criminal Procedure Ordinance (Cap. 6 of the *Laws of Somaliland*, 1950).
 Sedition Ordinance, Cap. 10.
 Indian Penal Code, as applicable to Somaliland in virtue of the Applied Indian Acts Ordinance, Cap. 2.
 Political Removal and Detention of Natives Ordinance, 1910, Cap. 72.
 Political Removal and Detention of Natives Rules, Cap. 72.
 Unsettled Areas Ordinance, 1948, Cap. 40.
 Unlawful Association Ordinance, 1948, Cap. 12.
 Public Order Ordinance, 1948, Cap. 78.
 Merchant Shipping Act, 1894.
 Harbours and Merchant Shipping Ordinance, Cap. 149.
 Foreign Deserters Ordinance, 1908, Cap. 95.
 Trade Union and Trade Disputes Ordinance, Cap. 111.

REPUBLIC OF SOUTH AFRICA

Legislation of the Republic :

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 Work Colonies Act, No. 25 of 1949.
 Criminal Procedure Act, No. 56 of 1955.
 Natives (Urban Areas) Consolidation Act, No. 43 of 1945.
 Native Administration Act, No. 38 of 1927.
 Native Laws Amendment Act, No. 36 of 1957.
 Native Laws Further Amendment Act, No. 19 of 1957.
 Suppression of Communism Act, No. 44 of 1950.
 Suppression of Communism Amendment Act, No. 50 of 1951.
 Riotous Assemblies Act, No. 17 of 1956.
 Unlawful Organisations Act, No. 34 of 1960.
 Customs Act, No. 55 of 1955.
 Public Safety Act, No. 3 of 1953.
 Native Service Contract Act, No. 24 of 1932 (*L.S.*, 1932—*S.A.* 1).
 Natives (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952.
 Natives Taxation and Development Act, No. 41 of 1925.
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 Native Laws Amendment Act, No. 54 of 1952.
 Native Affairs Act, No. 55 of 1959.
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 Natives Resettlement Act, No. 19 of 1954.
 Defence Act, No. 44 of 1957.
 Native Labour Regulations Act, No. 15 of 1911.
 Native Laws Amendment Act, No. 56 of 1949.
 Merchant Shipping Act, No. 57 of 1951.
 Native Building Workers Act, No. 27 of 1951.
 Mines and Works Act, No. 27 of 1956.
 Post Office Act, No. 44 of 1958.
 Training of Artisans Act, No. 38 of 1951 (*L.S.*, 1951—*S.A.* 2).
 Native Labour (Settlement of Disputes) Act, No. 48 of 1953.
 Native Labour (Settlement of Disputes) Amendment Act, No. 59 of 1955.
 Industrial Conciliation Act, No. 28 of 1956 (*L.S.*, 1956—*S.A.* 1).
 Natives (Urban Areas) Amendment Act, No. 16 of 1955.
 Asiatic Land Tenure and Indian Representation Act, No. 28 of 1946.

Illegal Squatting Act, No. 52 of 1951.
 Immigrants Regulation Act, No. 22 of 1913.
 Reservation of Separate Amenities Act, No. 49 of 1953.
 Population Registration Act, No. 30 of 1950.
 Immorality Act, No. 23 of 1957.
 Group Areas Amendment Act, No. 51 of 1957.

Provincial Ordinance :

Cape Province :

Extermination of Vermin Ordinance, 1957.

Orange Free State :

Native Hospital Tax Ordinance (No. 13), 1945.

Province of Transvaal :

Preservation of Separate Amenities by Local Authorities Ordinance, 1958.

Urban Areas Native Pass Ordinance, 1909.

Immorality Ordinance, 1903.

Mines, Works and Machinery Ordinance, 1903.

Labour Importation Ordinance, 1904.

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SPAIN

Law of 17 July 1945: The Charter of the Spaniards.

Ordinance of 9 March 1938; Labour Charter.

Penal Code of 1944.

Military Justice Code of 17 July 1945 (*Repertorio cronológico de legislación*, ed. Aranzodi, 1945).

Decree of 8 February 1946 concerning prison labour regulations inside prison premises (*Boletín oficial del Estado*, 6 March 1946).

Decree of 5 March 1948 approving the regulation of prison services (*Repertorio cronológico de legislación*, ed. Aranzodi, 1948).

Penal Law of Merchant Seamen of 22 December 1955 (*ibid.*, 1955).

Law concerning vagrants of 4 August 1933 as amended by the Law of 15 July 1954 (*ibid.*, 1954).

Law of 1 March 1940 on suppression of freemasonry and communism (*ibid.*, 1940).

Law 45/1959 on public order of 30 July 1959 (*ibid.*, 1959).

Decree No. 1794/1960 of 21 September 1960 revising and unifying the Law of 2 March 1943 and the Legislative Decree of 18 April 1947 (*ibid.*, 1960).

Decree of 16 December 1950 on local administration (*ibid.*, 1950).

SUDAN

Penal Code.

Local Government Ordinance, 1951, as amended.

Locusts Destruction Ordinance, No. 1 of 1907.

SWEDEN

Constitution of 1809, as amended.

Penal Code of 16 February 1864, as amended up to 1956.

Vagrancy Act of 12 June 1885, as amended.

Act No. 245 of 20 May 1920 respecting conciliation in trade disputes (*L.S.*, 1920—Swe. 6-8).

Act No. 246 of 20 May 1920 respecting the Central Arbitration Board for certain trade disputes (*L.S.*, 1920—Swe. 6-8).

Act of 22 June 1928 respecting collective contracts (*L.S.*, 1928—Swe. 2).

Labour Court Act of 22 June 1928 (*L.S.*, 1928—Swe. 3), as amended.

Act of 12 June 1931 respecting alcoholism, as amended by the Act of 3 June 1938.

Act of 11 September 1936 respecting the right of association and the right to collective bargaining (*L.S.*, 1936—Swe. 8), as amended.

Seamen's Act of 30 June 1952 (Act No. 530) (*L.S.*, 1952—Swe. 3).

SWITZERLAND

Federal Constitution of 29 May 1874.

Civil Code of 10 December 1907.

Code of Obligations of 30 March 1911.

Penal Code of 21 December 1937.

Federal Act of 30 June 1927 on the legal status of civil servants, as amended by Act of 24 June 1949 (*Recueil des Lois fédérales* of 12 October 1927).

Canton of Fribourg:

Act of 17 February 1923 respecting collective disputes in state establishments and in undertakings operating under a concession (*L.S.*, 1923—Switz. 5).

SYRIAN ARAB REPUBLIC

Penal Code, 1949.

Compulsory Labour Decree, No. 133 of 1952.

Labour Code, 1959 (United Arab Republic).

TANGANYIKA

Employment Ordinance, No. 47 of 1955 (Cap. 366), as amended (*inter alia*) by Ordinance No. 10 of 1960.

Employment (Forced Labour) Regulations, Government Notice No. 15 of 1957.

Administrative instructions concerning forced labour issued by the Ministry of Health and Labour on 8 December 1960.

Penal Code (Cap. 16), as amended (*inter alia*) by Ordinances Nos. 3 of 1950-54, 3 of 1955, 10 of 1959 and 5 of 1961.

Prisons Ordinance (Cap. 58), as amended.

Imprisonment (Reform) Ordinance (No. 9 of 1955).

Native Authority Ordinance (Cap. 72), as amended (*inter alia*) by Ordinance No. 23 of 1953.

African Chiefs Ordinance, No. 27 of 1953.

Deportation Ordinance (Cap. 38).

Restricted Residence Ordinance, No. 1 of 1954.

Registration of Persons Ordinance, No. 48 of 1952, as amended by Ordinances Nos. 33 and 39 of 1953 and No. 3 of 1954.

Expulsion of Undesirables Ordinance (Cap. 39).

Townships (Removal of Undesirable Persons) Ordinance (Cap. 104), as amended by Ordinances Nos. 14 of 1953 and 7 of 1958.

Societies Ordinance, No. 11 of 1954.

Destitute Persons Ordinance (Cap. 41).

Trade Unions Ordinance, No. 48 of 1956 (Cap. 381).

Trade Disputes (Arbitration and Settlement) Ordinance (Cap. 296), as amended by Ordinance No. 56 of 1958.

United Kingdom Merchant Shipping Act, 1894.

TOGO

Act No. 46-654 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).

Constitution of 11 April 1961 (*Journal officiel (J.O.)* of 17 April 1961).

Labour Code of 15 December 1952 (*L.S.*, 1952—Fr. 5).

Law No. 61-3 of 11 January 1961 (*J.O.* of 16 February 1961) on civil requisition.

TUNISIA

Constitution of 1 June 1959.

Law No. 60-32 of 14 December 1960 regarding the declaration of establishments.

Penal Code.

Decree of 26 October 1891 authorising prison labour in respect of detainees.

Decree of 14 February 1916 (*Journal officiel de la République Tunisienne (J.O.)* of 19 February 1916) prescribing measures for the destruction of locusts.

Decree of 17 December 1942 (*J.O.* of 24 December 1942) regarding employment of prison labour outside penal establishments.

Decree of 9 February 1956 on printing and bookselling.

Decree of 7 August 1936 (*J.O.* of 9 August 1936) on civil requisition.

Decree of 29 September 1938 (*J.O.* of 30 September 1938) on the organisation of the country in wartime.

Order relating to the requisition of workers (*J.O.* of 17 December 1942).

- Order of 25 February 1943 (*J.O.* of 4 March 1943) relating to the interior administration of disciplinary work camps.
 Decree of 10 January 1957 (*J.O.* of 22 January 1957) on the recruitment and organisation of the army.
 Decree of 26 November 1937 on collective disputes in the services subject to a concession.
 Law of 20 August 1959 (*J.O.* of 26-28 August 1959) on forestry.
 Decree of 29 April 1937 on the regulation of collective disputes in agriculture.

TURKEY

- Constitution of 27 March 1961 (*Resmî Gazete (R.G.)* of 31 May 1961).
 Code of Obligations of 22 April 1926.
 Law of 1 May 1926 relating to the Penal Code, amended by Law of 7 July 1938.
 Law of 4 April 1929 relating to a Code of Penal Procedure.
 Law of 14 June 1930 regarding the administration of prisons and places of detention.
 Law of 30 July 1931 on the press.
 Law of 8 June 1936 relating to a Labour Code, amended by Laws of 8 February 1952 and 4 March 1954.
 Law of 18 March 1926 relating to public officials.

UKRAINE

- Constitution of U.S.S.R.
 Constitution of Ukrainian S.S.R. of 30 January 1937 (as amended in 1947).
 Penal Code of 28 December 1960.
 Labour Code of the Ukrainian S.S.R.
 Corrective Labour Code of the Ukrainian S.S.R.
 Administrative Code.
 Decree of 20 December 1938 regarding work-book.

U.S.S.R.

- Constitution of the U.S.S.R.: basic law of the Union of Soviet Socialist Republics (with the amendments and additions adopted by the Fifth Session of the Supreme Soviet of the U.S.S.R., Moscow, 1960).
 Act of 25 December 1958 approving the basic principles of the penal legislation of the U.S.S.R. and of its constituent republics (*Vedomosti Verkhovnoy Soveta S.S.S.R.*, 1959, No. 1, Text No. 6).
 Act of 25 December 1958 respecting penal liability for crimes against the State (*ibid.*, 1959, No. 1, Text No. 8).
 Act of 27 October 1960 of the R.S.F.S.R. approving the Penal Code of the R.S.F.S.R. (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, No. 40 of 31 October 1960, Text No. 592).
 Penal Code of the R.S.F.S.R. (*Zakony R.S.F.S.R. i Postanovleniya Verkhovnoy Soveta R.S.F.S.R.*, Moscow, 1960, pp. 58-160).
 Act of 27 October 1960 of the R.S.F.S.R. approving the Criminal Procedure Code of the R.S.F.S.R. (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, No. 40 of 31 October 1960, Text No. 592).
 Act of 27 October 1960 respecting the organisation of the courts of the R.S.F.S.R.
 Order of 21 June 1961 of the Praesidium of the Supreme Soviet of the U.S.S.R. respecting the non-application to persons who seriously threaten the régime of the commutations of sentence envisaged in connection with the entry into force of the new Penal Code of the R.S.F.S.R. (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, No. 25 of 29 June 1961; *Vedomosti Verkhovnoy Soveta S.S.S.R.*, No. 26 of 29 June 1961).
 Ukase of 24 April 1958 of the Praesidium of the Supreme Soviet of the U.S.S.R. respecting the liability incurred in the case of non-fulfilment of plans or of tasks connected with the delivery of manufactured goods (*Vedomosti Verkhovnoy Soveta S.S.S.R.*, 28 May 1958, Text No. 202).
 Ukase of 5 October 1956 of the Praesidium of the Supreme Soviet of the U.S.S.R. respecting the imposition of work on vagrant gypsies (*Vedomosti Verkhovnoy Soveta S.S.S.R.*, No. 21 of 16 October 1956, Text No. 450).
 Ordinance of 19 December 1960 of the Praesidium of the Supreme Soviet of the U.S.S.R. respecting the measures to be taken in connection with the entry into force of the Penal Code and the Criminal Procedure Code of the R.S.F.S.R. (*Vedomosti Verkhovnoy Soveta S.S.S.R.*, No. 50 of 22 December 1960, Text No. 446; *Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, No. 48 of 22 December 1960, p. 726).

- Ukase of 25 April 1956 of the Praesidium of the Supreme Soviet of the U.S.S.R. to annul the penal liability of wage and salary earners who leave undertakings and institutions without permission or are absent from work without good reason, as amended by the Ukase of 31 January 1957 (*Vedomosti Verkhovnoy Soveta S.S.S.R.*, No. 4 of 1960, Text No. 36) (*L.S.*, 1956—U.S.S.R. 3).
- Ukase of 4 May 1961 of the Praesidium of the Supreme Soviet of the R.S.F.S.R. to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic type of life (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, 11 May 1961, No. 18, Text No. 273) (*L.S.*, 1961—U.S.S.R. 1).
- Labour Code. Code of laws relating to labour, with amendments up to 1 May 1936 (*L.S.*, 1936—Russ. 1).
- Ukase of the Praesidium of the Supreme Soviet of the R.S.F.S.R. of 31 January 1958 introducing certain amendments in the Labour Code of the R.S.F.S.R. (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, 28 February 1958).
- Decree of 20 December 1938 establishing a work-book.
- Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R. of 26 November 1958 respecting the participation of collective and state farms, industrial, transport, building and other undertakings and economic organisations in the building and repair of roads (*Vedomosti Verkhovnoy Soveta S.S.S.R.*, No. 34 of 4 December 1958, Text No. 415, p. 910).
- Ukase of 7 April 1959 respecting the participation of kolkhozes, sovkhozes, industrial, transport and other undertakings and economic organisations in the building and maintenance of motor roads (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, No. 14 of 10 April 1959, Text No. 241, p. 373).
- Ukase of the Praesidium of the Supreme Soviet of the R.S.F.S.R. of 19 December 1956 respecting liability in mild cases of hooliganism, amended and supplemented by the Ukase of 19 April 1961 (*ibid.*, No. 16 of 1961, Text No. 246).
- Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R. of 31 January 1957 to approve regulations for the procedure to be followed in examining labour disputes (*L.S.*, 1957—U.S.S.R. 1).
- Decision No. 325 of 1 June 1960 of the Minister of Higher and Secondary Specialised Education to approve regulations for the placing of young specialists leaving institutions of higher and secondary specialised education (*L.S.*, 1960—U.S.S.R. 1).
- Ordinance No. 25 of 6 February 1930 of the Council of Commissars of the People of the Turkmen S.S.R. respecting the obligation of the population to participate in fighting floods (*Collected Laws of the Turkmen S.S.R.*, 1954, p. 172).
- Ordinance No. 377 of 2 June 1950 of the Council of Ministers of the Turkmen S.S.R. respecting the participation of the rural population in the building of roads (*ibid.*, p. 171).
- Ordinance No. 13 of 2 January 1938 of the Council of Commissars of the People of the Turkmen S.S.R. respecting the participation of the population in irrigation work (*ibid.*, p. 170).

UNITED ARAB REPUBLIC

- Penal Code, 1937.
- Labour Code, 1959.
- Proclamation of 17 January 1953.
- Legislative Decree No. 37 of 18 January 1953.

UNITED KINGDOM

- Magna Carta, 1215 and 1297.
- Petition of Right, 1627.
- Bill of Rights, 1688.
- Habeas Corpus Acts, 1640-1816.
- Conspiracy and Protection of Property Act, 1875 (Cap. 86).
- Merchant Shipping Act, 1894 (Cap. 60).
- Trade Disputes Act, 1906 (Cap. 47).
- Electricity (Supply) Act, 1919 (Cap. 100).
- Criminal Justice Act, 1948 (Cap. 58).
- Prison Rules, 1949 (*Statutory Instruments (S.I.)*, 1949, No. 1703).
- Prison (Scotland) Rules, 1952 (*S.I.*, 1952, No. 565 (S.18)).
- Prison Rules (Northern Ireland), 1954 (*Statutory Rules and Orders (N.I.)* 1954, No. 7).

UNITED STATES OF AMERICA

Federal Legislation :

A. The United States Constitution :

- First Amendment.
- Fourth Amendment.
- Fifth Amendment.
- Thirteenth Amendment.

B. The United States Code :

Title 5 (Executive Departments and Government Officers and Employees).
Title 8 (Aliens and Nationality).
Title 18 (Crimes and Criminal Procedure).
Title 25 (Indians).
Title 29 (Labor).
Title 45 (Railroads).
Title 46 (Shipping).
Title 48 (Territories and Insular Possessions).
Title 50 (War and National Defense).

C. The United States Code of Federal Regulations :

Title 8 (Aliens and Nationality).
Title 25 (Indians).

State and Territorial Legislation :

Alabama :

Code (1958), Constitution, article 1, section 32.

Alaska :

48 U.S.C. Chapter 2 (Alaska).
Digest of Labor Laws, 1954.
Alaska Statehood Act (Public Law of the United States 85508, 7 July 1958, 72 Stat. 339).

Arizona :

Revised Statutes Annotated (1956), article 2, sections 1, 18.
Labor Laws—Revised Edition, 1956.

Arkansas :

Statutes Annotated (1947), Constitution, article 2, section 27.
Labor Laws in Force at the Close of the Legislative Session of 1957.

California :

Constitution of California Annotated: 1931, article 1, sections 3, 15, 18.
Penal Code of California: 1937.
Labor Code of California: 1937.
Welfare and Institutions Code of California: 1937.

Colorado :

Statutes Annotated (1953), 77-9-1, Constitution, article 2, sections 12, 26.
Compiled Labor Laws—1937.

Connecticut :

Labor Laws Revised to 1 January 1956.

Delaware :

Revised Code of 1935.

District of Columbia :

Code of 1951.
Supplement to Code to 5 January 1960.

Florida :

Statutes Annotated (1944), Title 25, Constitution, Declaration of Rights, sections 16, 19.

Georgia :

Code (1933), Constitution, sections 2-117, 2-121.
Labor Laws of Georgia (1957).

Hawaii :

Compilation of Hawaii Employers Council Research Reports (summarising the labor laws and regulations of Hawaii in effect as from 1 October 1957).
Hawaii Statehood Act (Public Law 86-3, 86th Congress, S.50, 18 March 1959).
Revised Laws (1955), sections 83-87.

Idaho :

Code (1949), Constitution, article 15.
Labor Laws (April 1956).

Illinois :

Constitution, article II, section 5.
Illinois Revised Statutes, 1959.
Supplement to 23 May 1960.

Indiana :

Statutes (Burns), Constitution, article 1, sections 22, 37.

Iowa :

Code Annotated (1949), Constitution, article 1, sections 19, 23.
Labor Laws, 1958 Code.

Kansas :

General Statutes of Kansas Annotated (1947), Constitution, Bill of Rights, article 6.
Labor Laws, December 1955.

Kentucky :

Revised Statutes (1956), Constitution, Bill of Rights, sections 18, 25.
Labor Laws, complete to April 1955.

Louisiana :

Louisiana Revised Statutes, 1950.

Maine :

Revised Statutes of Maine, 1944.

Maryland :

Annotated Code (Flack) (1957), Constitution, Declaration of Rights, article 24.
Labor Laws (1933).

Massachusetts :

General Laws of Massachusetts, 1932.

Michigan :

Constitution, article 2, section 8.
Compiled Laws, 1929.
Annual Legislation to 1958.

Minnesota :

Statutes Annotated (1946), Constitution, article 1, section 12.
Labor Laws, 1933.

Mississippi :

Code Annotated (1942), Constitution, article 3, sections 15, 30.

Missouri :

Vernon's Annotated Statutes, Constitution, article 2, sections 16, 31.
Revised Statutes, 1929.
Labor Laws Revised to 29 August 1957.

Montana :

Revised Code (1947), Constitution, article 3, sections 12, 28.
Labor Laws, 1949.

Nebraska :

Revised Statutes (1943), Constitution, article 1, sections 2, 20.
Labor Laws, 1957.

Nevada :

Revised Laws (1957), Constitution, article 1, section 17.
Labor and Industrial Relations Laws, September 1957.
Compiled Labor Laws, 1937.

New Hampshire :

Public Laws of New Hampshire, 1926.
Labor Laws, 1957.

New Jersey :

Statutes Annotated, Constitution, article 1, section 17.
Title 34 of the Statutes Annotated, 1937: with Cumulative Supplement to 1958 (Labor and Workmen's Compensation).

New Mexico :

Statutes Annotated (1953), Constitution, article II, section 21.
Labor Laws, 1953.

New York :

New York Consolidated Laws, 1938.
Decennial Supplement, 1938-48.
Annual Legislation to 1960.

North Carolina :

General Statutes (1955), Constitution, article 1, sections 16, 33.

North Dakota :

General Statutes (1955), Constitution, article 1, sections 15, 17.
Compiled Labor Laws, 1 July 1945.

Ohio :

Page's Revised Code Annotated (1953), Constitution, article 1, sections 6, 15.

Oklahoma :

Statutes Annotated, Constitution, article 1, section 13.

Labor Laws (1958).

Oregon :

Revised Statutes, Constitution, article 1, sections 19, 34.

Digest of Oregon Labor Law, 1956.

Pennsylvania :

Constitution, article 1, section 16.

Pennsylvania Statutes Complete to 1920.

Supplement to 1924.

Annual Legislation to 1959.

Rhode Island :

Constitution, article 1, section 4.

General Laws, 1938.

Annual Legislation to 1954.

South Carolina :

Code (1952), Constitution, article I, section 24.

Labor Laws, Revised July 1953.

South Dakota :

Constitution, article VI, section 15.

Revised Code, 1919.

Tennessee :

Constitution, article I, sections 18, 21, 33.

Labor Laws, 1 June 1921.

Texas :

Vernon's Texas Constitution Annotated (1955), article 1, section 18.

Utah :

Code Annotated (1953), Constitution, article 1, sections 16, 21.

Labor Laws, 14 May 1957.

Vermont :

Statutes Annotated (1958), Constitution, Chapter I, article 1.

General Laws, 1917.

Virginia :

Code of Virginia, 1919.

Washington :

Revised Code (1952), Constitution, article 1, section 17.

Compilation of Labor Laws, 1937.

West Virginia :

Official Code, 1931.

Annual Legislation.

Wisconsin :

Statutes (1957), Constitution, article 1, sections 2, 16.

Labor Laws, 1938.

Wyoming :

Statutes (1957), Constitution, article 1, section 6.

UPPER VOLTA

Act No. 46-645 to suppress forced labour in the Overseas Territories, dated 11 April 1946 (*L.S.*, 1946—Fr. 4).

Labour Code (*L.S.*, 1952—Fr. 5).

Penal Code (*Jurisclesseur TOM*).

Act No. 13-59 AL of 31 August 1959 investing the Government of Upper Volta with superior police powers with regard to public order and state security.

Decree of 31 December 1959 (amended by Decree of 30 January 1960) laying down the conditions of administrative internment in implementation of the Act of 31 August 1959.

Act No. 1-60 of 14 January 1960 (*Journal officiel (J.O.)* of 8 February 1960) prohibiting and repressing all publication, circulation or display of writings, signs, drawings, or symbols, tending to promote tumult, disturbance or disorders in public or to commit a breach of the peace.

Act No. 25-60 of 3 February 1960 (*J.O.* of 5 March 1960) providing for citizens' identification cards in Upper Volta and relative to the organisation of the collection of taxes and the civil register.

VENEZUELA

National Constitution of the Republic of Venezuela, promulgated on 23 January 1961.
Labour Law of 3 November 1945, as amended in 1947 (*L.S.*, 1945—Ven. 1; Ven. 2).

VIET-NAM

Constitution of 26 October 1956 (*Notes et études documentaires*, No. 2278, April 1957).
Labour Code, 8 July 1952.
Labour Code for Agricultural Enterprises.
Order 22 XL ND, April 1954.
Ordinance No. 6 of 11 January 1956 regarding the execution of security measures.

YUGOSLAVIA

Constitution of 21 January 1946.
Constitutional Act of 13 January 1953.
Act respecting employment relationships of 10 December 1957 (*L.S.*, 1957—Yug. 2), as amended by the Act of 28 June 1958 (*L.S.*, 1958—Yug. 1).
Act of 1945 codified by the Act of 25 June 1946 concerning associations, meetings and public assemblies (*Službeni List*, No. 51 of 25 June 1946), as amended in 1947 and 1951.
Act of 1952 concerning administrative settlement of disputes (*ibid.*, No. 53 of 1952).
Penal Code of 2 March 1951 (*ibid.*, No. 13 of 9 March 1951).
Basic Act of 8 October 1951 concerning contraventions (*ibid.*, No. 15 of 21 March 1951).

State not a Member of the I.L.O.

WESTERN SAMOA

Rhinoceros Beetle Ordinance 1954.
Samoa Village Regulations 1938.

Non-Metropolitan Territories

AUSTRALIA

Nauru

Chinese and Native Labour Ordinance, 1922, as amended.
Public Service Ordinance, 1961.
Criminal Code Act, 1899, for the State of Queensland as applied to Nauru by the Laws Repeal and Adopting Ordinance, 1922.

New Guinea

- I. *Commonwealth of Australia Acts:*
Defence Act, 1903, as amended.
Papua and New Guinea Act, 1949-1960.
Crimes Act, 1914, as amended.
- II. *State of Queensland Act:*
Criminal Code Act, 1899, as amended.
- III. *Ordinances Applicable to New Guinea:*
Native Employment Ordinance, 1958 (No. 56 of 1958).
Native Plantations Ordinance (Papua) Repeal Ordinance, 1960.
Native Children Ordinance, 1950 (No. 41 of 1950).
Seamen (Foreign) Ordinance, 1952 (No. 116 of 1952).

Papua

- I. *Commonwealth of Australia Acts*:
Defence Act, 1903, as amended.
Papua and New Guinea Act, 1949-1960 (No. 9 of 1949).
Crimes Act, 1914, as amended.
- II. *State of Queensland Act*:
Criminal Code Act, 1899, as amended.
- III. *Ordinances Applicable to Papua*:
Native Employment Ordinance, 1958 (No. 56 of 1958), as amended.
Native Plantations Ordinance (Papua) Repeal Ordinance, 1960.
Vagrancy (Papua) Ordinance, 1958 (No. 38 of 1958).
Native Regulations, 1939 (Statutory Regulations—1939, No. 20), as amended.
Native Children Ordinance, 1950 (No. 41 of 1950).
Seamen (Foreign) Ordinance, 1952 (No. 116 of 1952).

BELGIUM

Ruanda-Urundi

Act of 18 October 1908 on the Government of Belgian Congo applicable to Ruanda-Urundi by virtue of the Act of 21 August 1925 (*Legislation of Ruanda-Urundi*, p. 9).
Civil Code, Book III, articles 40 and 428 (*Codes and Laws of the Belgian Congo*, Vol. I).
Penal Code, Decree of 30 January 1940 (*ibid.*).
Ordinance No. 11/13 of 15 January 1960 concerning prison labour system.
Ordinance of 19 April 1943 on the imprisonment of coloured persons (regulations) (*Codes and Laws*, Vol. I, p. 414).
Legislative Ordinance No. 14/63 of 3 May 1919 concerning vagrants and beggars.
Decree of 14 July 1952 on the native political organisation, partially abrogated by the Decree of 25 December 1959 (*Bulletin officiel du Ruanda-Urundi (B.O.R.U.)* of 15 January 1960).
Decree of 10 May 1957 on native conscription, articles 30k, 71, 72, 82 and 98 (*Codes and Laws of the Belgian Congo*, Vol. II, pp. 215-221).
Ordinance of 5 March 1922 on freedom of the press (*ibid.*, Vol. III, p. 712), replaced by the Decree of 17 August 1959 (*B.O.*, p. 2004).
Legislative Ordinance No. 112 of 11 June 1940 on civil requisition (*Codes and Laws of the Belgian Congo*, Vol. I, p. 415), as modified by the Ordinance of 12 July 1960 (*B.O.R.U.*, No. 14 of 31 July 1960) and No. 05/232 of 24 June 1961.
Decree of 25 January 1957 and Ordinance of 8 March 1957 on the exercise of the right of association (*L.S.*, 1957—Bel.C. 1).
Decree to regulate the compulsory procedure for conciliation and arbitration in collective labour dispute, dated 18 May 1959 (*L.S.*, 1959—Bel.C. 3).
Legislative Ordinance No. 05/232 suppressing compulsory portorage, dated 24 June 1961.

DENMARK

Faroe Islands

Danish Constitution of 5 June 1953, as amended.
Penal Code of 1930, as amended, in particular by the Acts of 24 June 1939, 1 June and 28 August 1945 and 7 June 1952 (*Codes pénaux européens*, Centre français des droits comparés, Vol. I, 1958).
Local government Act No. 30 of 28 February 1872 concerning the obligation to carry out certain work in the public interest.
Act of 4 October 1919 respecting the Permanent Arbitration Court (*L.S.*, 1929—Den. 2 B).
Seamen's Act dated 13 May 1923 (*L.S.*, 1923—Den. 1).
Act No. 5 dated 18 January 1934 respecting intervention in labour disputes (*L.S.*, 1934—Den. 1).
Notification No. 15 of 28 January 1958 of the Act respecting conciliation in industrial disputes (*L.S.*, 1958—Den. 1).

Greenland

Criminal Law of Greenland of 5 March 1954 (*Codes pénaux européens*, Centre français des droits comparés, Vol. I, 1958).

FRANCE

OVERSEAS DEPARTMENTS

Algeria

Constitution of 4 October 1958 (*Journal officiel (J.O.)* of 4 October 1958).
 Metropolitan Labour Code (*Petits Codes Dalloz*, 1960), extended to Algeria by Decrees of 19 January 1915, 15 January, 14 February and 27 May 1921 and 3 August 1946.
 Metropolitan Penal Code.
 Metropolitan Code of Criminal Procedure.
 Decree of 19 January 1923 on prison regulations (*J.O.* of 31 January 1923).
 Decree of 29 June 1923 on prison regulations (*J.O.* of 20 July 1923).
 Decision of 29 September 1961 concerning measures to be taken in respect of persons engaged in subversive activities (*J.O.* of 30 September 1961, p. 8963).
 Law of 29 July 1881 on freedom of the press.
 Ordinance No. 58-916 of 7 October 1958 concerning the measures to be taken in respect of persons endangering public security by assisting the rebels in the Algerian Department (*J.O.* of 8 October 1958).
 Decision of 27 April 1961 concerning certain publications (*J.O.* of 28 April 1961).
 Decision of 24 April 1961 extending the Ordinance of 7 October 1958 (*J.O.* of 24 April 1961).
 Legislative Decree of 19 October 1939 relating to the status of necessary personnel (*J.O.* of 30 October 1939).
 Law of 11 July 1938 on general organisation of the nation in time of war (*Petits Codes Dalloz—Code Pénal*, edition 1960).

French Guiana, Guadeloupe, Martinique, Réunion

Constitution of 1958 (*J.O.* of 4 October 1958).
 Metropolitan Penal Code extended by Decree of 24 December 1947.
 Metropolitan Code of Criminal Procedure, extended by Decree of 24 September 1947.
 Metropolitan Labour Code (extended to the overseas departments by Decree No. 48-592 of 30 March 1948).
 Decree of 19 January 1923 on prison regulations (*J.O.* of 31 January 1923).
 Decree of 29 June 1923 on prison regulations (*J.O.* of 20 July 1923).
 Law of 29 July 1881 on freedom of the press.
 Decision of 29 September 1961 concerning measures to be taken in respect of persons engaged in subversive activities (*J.O.* of 30 September 1961, p. 8963).
 Decision of 27 April 1961 concerning certain publications (*J.O.* of 28 April 1961).
 Legislative Decree of 19 October 1939 relating to the status of necessary personnel (*J.O.* of 30 October 1939).
 Law of 11 July 1939 on general organisation of the nation in time of war (*Petits Codes Dalloz—Code Pénal*, edition 1960).

OVERSEAS TERRITORIES

Comoro Islands, French Polynesia, French Somaliland, New Caledonia¹, St. Pierre and Miquelon

Constitution of 4 October 1958 (*J.O.* of 4 October 1958).
 Metropolitan Penal Code application extended with modifications (*Jurisclasseur TOM*).
 Criminal Procedure Code application extended with modifications (*Jurisclasseur TOM*).
 Decree of 22 December 1945 suppressing the Native Code.
 Decree of 20 February 1946 suppressing the Native penalties.
 Act No. 46/465 dated 11 April 1946 to suppress forced labour in the overseas territories.
 Labour Code of overseas territories of 15 December 1952 (*L.S.*, 1952—Fr. 5).
 Law of 29 July 1881 on freedom of the press.

¹ In addition to the above list of legislation the following is also applicable to this territory: Order No. 646 of 15 May 1951 concerning the prison labour system.

NETHERLANDS

Netherlands Antilles

National Statute (*Langsregeling*) of the Netherlands Antilles (*Publicatieblad (P.B.)*, 1950, No. 139).
 Penal Code of Curaçao, as amended.¹
 Civil Code of Curaçao, as amended.¹
 Commercial Code of Curaçao, as amended.¹
 Decision of 6 February 1931 establishing prison regulations, as revised on 12 February 1958 (*P.B.*, 1958, Nos. 18 and 19), and amended by Decision of 3 December 1959 (*P.B.*, 1959, No. 185).
 Decree of 13 July 1932 (*P.B.*, 1932, No. 99).
 Decree of 4 September 1951 containing procedural rules relating to the legal status of public officials (*P.B.*, 1951, No. 134).
 Labour Disputes Decree of 23 July 1946 (*P.B.*, 1946, No. 119), as subsequently amended, in particular by the Decree of 20 December 1946 (*P.B.*, 1946, No. 188).

Netherlands New Guinea

New Guinea Legislation :

Act of 9 June 1955 respecting the regulation of the administration of New Guinea (*Bewindsregeling Nieuw-Guinea*) as revised (*Staatsblad van Nederland*, 1960, No. 582), hereinafter referred to as the New Guinea Regulation.
 Ordinance of 14 January 1953 respecting the penal law of war (*Gouvernementsblad van Nieuw-Guinea*, 1953, No. 1) (*Wetboeken van Indonesie "Wetboeken"*, Leiden 1956, p. 3211).
 Ordinance of 13 April 1954 respecting the importation and dissemination of printed publications (*Gouvernementsblad van Nieuw-Guinea*, 1954, No. 16 (*Wetboeken*, p. 3248).

Netherlands Indies Legislation :

Statute of the Netherlands Indies (*Indische Staatsregeling*) of 2 September 1854, as amended (*Wetboeken*, p. 185).
 Penal Code of 15 October 1915, as amended (*ibid.*, p. 1297).
 Prisons Regulation Ordinance of 10 December 1917, as amended (*ibid.*, p. 1535).
 Ordinance of 17 December 1918 respecting the exercise of the right of association and assembly (*Staatsblad*, 1919, No. 29) as amended (*Wetboeken*, p. 857).
 Civil Code of 30 April 1847, as amended (*Wetboeken*, p. 395).
 Commercial Code of 30 April 1847, as amended (*ibid.*, p. 898).
 Ordinance of 3 October 1911, respecting the engagement of workers (*Staatsblad*, 1911, No. 540), as amended (*Wetboeken*, p. 2374).

NEW ZEALAND

Cook Islands and Niue

Cook Islands Act, 1915 (as amended).
 Income Tax Ordinance, 1956.

Tokelau Islands

Tokelau Islands Act, 1948 (as amended).

REPUBLIC OF SOUTH AFRICA

South West Africa

Legislation of the Republic ²:

- (a) Public Safety Act, No. 3 of 1953.
- Customs Act, No. 55 of 1955.
- Unlawful Organisations Act, No. 34 of 1960.
- Suppression of Communism Act, 1950.
- Suppression of Communism Amendment Act, 1951.
- Merchant Shipping Act, 1951.
- Native Affairs Act, No. 55 of 1959.
- Riotous Assemblies Act, No. 17 of 1956.

¹ The Netherlands Antilles were formerly known as the colony of Curaçao. Accordingly, any reference hereinafter to Curaçao applies to the Netherlands Antilles.

² Paragraph (a) of the legislation of the Republic above-noted is a list of the statutes of the Republic expressly declared applicable to the Territory. Paragraph (b) is a list of the Statutes of the Republic, the terms of which may be extended to the Territory by proclamation in the *Gazette*.

- (b) Prisons Act, No. 8 of 1959.
- Natives (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952.
- Population Registration Act, 1950.
- Immorality Act, No. 23 of 1957.
- Defence Act, No. 44 of 1917.

Territory Legislation :

- Native Administration Proclamation, No. 15 of 1928.
- Native (Urban Areas) Proclamation, 1951.
- Vagrancy Proclamation, No. 25 of 1920.
- Control and Treatment of Natives in Mines Proclamation, No. 3 of 1917.
- Masters and Servants Proclamation, No. 34 of 1920.
- Wage and Industrial Conciliation Ordinance, 1952.
- Curfew Regulations Proclamation, No. 33 of 1922.
- Undesirables Removal Proclamation, No. 50 of 1920.
- Native Administration Proclamation, No. 11 of 1922.
- Native Passes (Rehoboth Gebiet) Proclamation, No. 7 of 1930.
- Extra Territorial and Northern Natives Control Proclamation, No. 29 of 1935.
- Native Locations: Entry of Europeans Proclamation, No. 6 of 1919.
- Prohibited Areas Proclamation, No. 26 of 1928.
- Suppression of Witchcraft Proclamation, No. 27 of 1933.
- Immorality Proclamation, No. 19 of 1934.
- Mines Works and Minerals Ordinance, No. 26 of 1954.
- Native Labour Regulation (Mines and Works) Proclamation, 1929.

SPAIN

Spanish Guinea

- Ordinance of 6 June 1945 extending the application of the Penal Code (*Repertorio cronológico de legislación*, ed. Aranzadi, 1945).
- Ordinance of 22 February 1954 extending the application of the system of redemption of prison sentences through work (*ibid.*, 1954).
- Decree of 10 November 1938 respecting the organisation of native justice (*ibid.*, 1938).
- Ordinance of 22 August 1936 respecting vagrants and disaffected persons (*ibid.*, 1936).
- Ordinance of 9 November 1953 regulating native labour in Guinea, as amended by the Ordinances of 8 October 1957 and 27 August 1960 (*ibid.*, 1953, 1957, 1960).
- Ordinance of 3 December 1947 regulating the work of Europeans in the territories of Guinea (*ibid.*, 1947).
- Act No. 46/1959 of 30 July 1959 respecting the organisation and the legal status of the African provinces (*ibid.*, 1959).

Spanish West Africa

- Order of 2 March 1954 respecting the labour system (*L.S.*, 1954—Sp. 1).
- Order of 30 November 1954 instituting a territorial labour regulation.
- Act 8/1961 of 19 April 1961 respecting the organisation and legal status of the province of Sahara (*Repertorio cronológico de legislación*, ed. Aranzadi, 1961).

UNITED KINGDOM

Aden

- Labour Ordinance (Cap. 84 of the *Laws of Aden*, 1955).
- Merchant Shipping Ordinance (Cap. 95).
- Penal Code (Cap. 112).
- Labour Contracts Ordinance (Indigenous Workers) (Cap. 31).
- Prisons Ordinance (Cap. 129).
- Undesirable Persons and Vagrants Ordinance (Cap. 160).
- Professional Relations Ordinance No. 6 (Conciliation and Arbitration), 1960.

Antigua

- Merchant Shipping Act, 1894 (United Kingdom).

Legislation of the Leeward Islands :

Sedition and Undesirable Publications Act, 1938 (11/1938) as amended in 1941 (10/1941).
Small Charges Act (Cap. 67), as amended in 1931 (2/1931).
Merchant Seamen's Discipline Act (Cap. 62).
Trade Unions Act, 1939 (16/1939).

Legislation of Antigua :

Enactment (Leeward Islands Acts) Ordinance, 1956 (32/1956).
Prison Rules, 1956 (19/1956).
Adaptation of Laws Regulations, 1956 (22/1956).

Bahamas

Prison Act (Ch. 26).
Prison Rules, 1939.
Penal Code (Ch. 69).
Foreign Seamen Arrest Act, 1865 (Ch. 167).
Merchant Service Act (Ch. 164).
Vagrancy Act (Ch. 70).
Trade Union and Industrial Conciliation Act, 1958 (No. 30 of 1958).
Contracts of Service Act (Ch. 286).

Barbados

Prisons Act, No. 13 of 1890.
Better Security Act, No. 6 of 1920.
Trade Union (Amendment) Acts, No. 7 of 1943 and No. 8 of 1950.
Emergency Powers (Amendment) Act, No. 24 of 1955.

Basutoland

Native Courts Proclamation (Cap. 6, *Laws of Basutoland*, 1949 edition).
Sedition and Rebellion Proclamation (Cap. 18).
Newspaper Regulation Proclamation (Cap. 37).
Native Administration Proclamation (Cap. 54).
Laws of Lerotholi (having force of law under the Native Administration Proclamation).
Native Labour Proclamation (Cap. 57).
Trade Unions and Trade Disputes Proclamation (Cap. 103), as amended by Proclamation No. 1 of 1949.
Basutoland Prison Rules (Government Notice No. 27 of 1957).

Bechuanaland

Sedition Proclamation, Cap. 23.
Master and Servants Acts, Cap. 47.
Unlawful [Riotous] Assemblies Proclamation, Cap. 54, as amended by Proclamation No. 13 of 1961.
Protection of African Labourers Proclamation, Cap. 72.
Prison Regulations (under Cap. 65).
African Administration Proclamation, Cap. 67.
African Labour Proclamation, Cap. 73.
African Courts Proclamation, No. 19 of 1961.
Liquor Proclamation, No. 69 of 1960.
Methylated Spirit Proclamation, Cap. 107.
Trade Union and Trade Disputes Proclamation, Cap. 151.
Slavery Proclamation, Cap. 76.

Bermuda

Emancipation Act, 1834 (Ch. 6).
Criminal Code (Ch. 9).
Bermuda Merchant Shipping Act, 1930 (Ch. 54).
Trade Union and Trade Disputes Act, 1946 (Ch. 72).
Merchant Shipping Act, 1894.
Summary Offences Act, 1926 (Ch. 9).
Criminal Justice (Variation of Punishments, Orders and Procedure) Act, 1950 (Ch. 9).
Prisons Act, 1950 (Ch. 9).
Prison Rules, 1951 (Ch. 9).

British Guiana

Criminal Justice Ordinance, No. 18 of 1957.
 Prisons Ordinance, No. 4 of 1957.
 Prison Rules, No. 22 of 1957.
 Criminal Law (Offences) Ordinance (Cap. 10).
 Summary Jurisdiction (Offences) Ordinance (Cap. 11).
 Expulsion of Undesirables Ordinance (Cap. 99).
 Amerindian Ordinance (Cap. 58).
 Labour Ordinance (Cap. 103).
 Indian Labour Ordinance (Cap. 104).
 British Guiana (Emergency) Order in Council, 1953 (*Statutory Instruments*, 1953 (London), p. 181 of Part I).
 Emergency Order, 1953.
 Control of Propaganda Order, No. 36 of 1954.
 Trade Unions Ordinance (Cap. 113).
 Trade Disputes (Essential Services) Ordinance (Cap. 114).
 Law of Merchant Shipping Ordinance (Cap. 3).

British Honduras

Labour Ordinance, No. 15 of 1959.
 British Honduras Constitution Ordinance, Cap. 3 of the Laws of British Honduras, 1958.
 Laws of British Honduras, 1958.
 Prison Rules, No. 34 of 1957.
 Criminal Code, Cap. 21.
 Public Safety Ordinance, Cap. 60.
 Summary Jurisdiction (Offences) Ordinance, Cap. 23.
 Harbours and Merchant Shipping Ordinance, Cap. 149.
 Merchant Shipping Act, 1894.
 Trade Union Ordinance, Cap. 142.
 Settlement of Disputes (Essential Services) Ordinance, Cap. 146.
 Police Ordinance, Cap. 59.

Brunei

Penal Code (Cap. 22, *Laws of Brunei*, 1951 edition) as amended by Enactment No. 24 of 1953.
 Sedition Enactment (Cap. 24), as amended by Enactment No. 9 of 1957.
 Minor Offences Enactment (Cap. 30).
 Mohammedan Laws Enactment (Cap. 31).
 Prisons Enactment (Cap. 51) and Prisons Rules, 1953 (S. 30/1954).
 Societies Enactment (Cap. 66).
 Disaffected and Dangerous Persons Enactment, No. 10 of 1953.

Dominica

Prison Rules, 1954 (No. 50 of 1954).
 Sedition and Undesirable Publications Ordinance, 1940 (No. 8 of 1940).
 Public Order Ordinance, 1954 (No. 6 of 1954), as amended in 1955 (Ordinance No. 3 of 1955).
 Small Charges Act (Cap. 67).
 Merchant Shipping Act, 1894.
 Trade Unions and Trade Disputes Ordinance, 1952 (No. 12 of 1952).
 Emergency Powers Ordinance, 1951 (No. 2 of 1951).
 Public Utility Undertakings, Public Health and Other Essential Services, Arbitration Ordinance, 1951 (No. 23 of 1951).

Falkland Islands

Seditious Offences Ordinance (Cap. 63, *Laws of the Falkland Islands*, 1950 edition).
 Trade Unions and Trade Disputes Ordinance (Cap. 73).
 Prison Regulations, No. 1 of 1949.

Fiji Islands

Labour Ordinance, section 57 (Cap. 92).
 Penal Code, section 38 (Cap. 8).
 Prisons Regulations, section 15, sections 146-147 (Cap. 60).
 Preventive Detention Ordinance, section 2 (Cap. 12).
 Essential Services Ordinance, section 13 (Cap. 96).
 Fijian Affairs Regulations, Nos. 5, 6.

Gambia

Criminal Code (Cap. 21, *Laws of Gambia*, 1955 edition).
District Authority Ordinance (Cap. 48), as amended by Ordinances Nos. 12 of 1958 and 4 of 1959.
District Tribunals Ordinance (Cap. 49), and Native Prison Rules, No. 15 of 1940, issued thereunder.
Deportation (Immigrant British Subjects) Ordinance (Cap. 58).
Prisons Ordinance (Cap. 72) and the Prisons Rules, No. 2 of 1953, issued thereunder.
Trade Union Ordinance (Cap. 88).
Forced Labour Ordinance (Cap. 90), as amended by Ordinance No. 14 of 1958.

Gibraltar

Criminal Justice Administration Ordinance (Cap. 30).
Prison Ordinance (Cap. 102).
Prison Regulations (Cap. 102).
Sedition Ordinance (Cap. 116).
Public Order Ordinance (Cap. 107).
Summary Conviction Ordinance (Cap. 120).
Merchant Shipping Ordinance (Cap. 76).
Merchant Shipping Act, 1894.
Offences against the Person Ordinance (Cap. 88).
Trade Union and Trade Disputes Ordinance (Cap. 128).

Gilbert and Ellice Islands

Labour Ordinance No. 6, 1951 (Cap. 18).
Prisons Ordinance No. 12, 1952, as amended by Ordinance No. 6, 1959 (Arts. 45-47).
Sedition Ordinance No. 7, 1940 (Cap. 3), as amended by Ordinance No. 1, 1961.
Native Administration Ordinance No. 4, 1941 (Cap. 18) as amended.
Ordinance concerning extension of the legislation to matters concerning natives, 1951 (Cap. 24).
Merchant Shipping Act, 1894 (Arts. 221-225).
Summary Procedure Ordinance No. 2, 1929 (Cap. 2).
Trade Unions Ordinance No. 2, 1946 (Cap. 15).

Grenada

Prison Rules, 1950 (1950, No. 17).
Public Order Ordinance No. 1, 1951.
Sedition Ordinance No. 14, 1951.
Public Utility Undertakings and Public Health Services Arbitration Ordinance No. 3, 1951.
Importation of Publications (Prohibition) Ordinance No. 5, 1951.
Trade Unions and Trade Disputes Ordinance No. 20, 1951.
Merchant Shipping Act, 1894.
Criminal Code (Ch. 55).
Public Meetings Ordinance No. 10, 1959.

Hong Kong

Illegal Strikes and Lockouts Ordinance (Cap. 61 of the *Laws of Hong Kong*, 1950 edition).
Trade Unions and Trade Disputes Ordinance (Cap. 64).
Societies Ordinance (Cap. 151), as amended by Ordinances Nos. 3 and 25 of 1952 and No. 15 of 1959.
Essential Services Corps Ordinance (Cap. 197), amended by Ordinance No. 27 of 1951.
Compulsory Service Ordinance No. 24 of 1951, as amended by Ordinance No. 22 of 1961 and Proclamation No. 4 of 1961.
Criminal Intimidation Ordinance (Cap. 205).
Sedition Ordinance (Cap. 217).
Prisons Ordinance, No. 17 of 1954, and the Prison Rules contained in the Schedule thereto.

Jamaica

Deportation (British Subjects) Law (Cap. 96).
Masters and Servants Law (Cap. 240).
Prisons Law (Cap. 207, *Laws of Jamaica*, 1953 edition) and the Prison Rules, 1947, made thereunder.
Trade Unions Law (Cap. 389).
Vagrancy Law (Cap. 404).

Kenya

Penal Code (Cap. 26) (revised edition of the *Laws of Kenya*, 1948).
 Penal Code (Amendment) Ordinance, No. 54 of 1960.
 Prisons Ordinance (Cap. 78).
 Preservation of Public Security Ordinance, No. 2 of 1960.
 Public Security (Restriction) Regulations 1960.
 Detained and Restricted Persons (Special Provisions) Ordinance, No. 3 of 1960.
 Detained and Restricted Persons Regulations, 1960.
 Detained and Restricted Persons (Areas of Restriction) Rules 1960.
 Deportation Ordinance (Cap. 56).
 Vagrancy Ordinance, No. 1 of 1960.
 Compulsory National Service Ordinance, No. 19 of 1951.
 Native Authority Ordinance (Cap. 97) as amended by Ordinance No. 43 of 1952.
 African District Council Ordinance, No. 12 of 1950.
 African District Council (Minor Criminal Services) By-laws.
 Trade Unions Ordinance, No. 23 of 1952.
 Essential Services (Arbitration) Ordinance, No. 4 of 1950, as amended by Ordinance No. 48 of 1958.
 Employment Ordinance (Cap. 109) (revised edition of the *Laws of Kenya*, 1956) as amended by Ordinance No. 16 of 1957.

Malta

Penal Code (Cap. 12) (Revised Edition of 1942).
 Prisons (Cap. 44).
 Seditious Propaganda (Prohibition) (Cap. 3).
 Press (Cap. 117).
 Emergency Powers (Cap. 88).
 The Trade Union and Industrial Disputes Ordinance, No. 4 of 1945, as amended.
 The Conciliation and Arbitration Ordinance, No. 38 of 1948, as amended.

Mauritius

Trade Unions Ordinance, No. 36 of 1954.
 Industrial Disputes Ordinance, No. 37 of 1954.
 District Tribunals Ordinance, No. 17 of 1947, as amended by Ordinance No. 30 of 1955.
 Penal Code (Cap. 195 of the Revised Edition of 1945).
 Prisons Ordinance (Cap. 313).
 Prison Regulations.
 Deportation (British Subjects) (Cap. 148).
 Merchant Marine (Cap. 346).
 Vagrancy Ordinance, 1889, with subsequent amendments.

Montserrat

Merchant Shipping Act, 1894 (United Kingdom).

Legislation of the Leeward Islands :

See under Antigua.

Legislation of Montserrat :

Enactment (Leeward Islands Acts) Ordinance, 1956 (24/1956).
 Adaptation of Laws Regulations, 1956 (15/1956).
 Prison Rules, 1956 (17/1956).

North Borneo

Interpretation (Definition of Native) Ordinance (Cap. 64, *Laws of North Borneo*, 1953 edition), as amended by Ordinance No. 20 of 1958.
 Native Courts Ordinance (Cap. 86), as amended by Ordinance No. 22 of 1959.
 Native Rice Cultivation Ordinance (Cap. 87) and Declaration No. S.72 of 1956 issued thereunder.
 Restricted Residence Ordinance (Cap. 127).
 Rural Government Ordinance (Cap. 132) as amended.
 Sedition Ordinance (Cap. 133).
 Societies Ordinance (Cap. 136).
 Trade Unions and Trade Disputes Ordinance (Cap. 143).
 Prisons Ordinance, No. 7 of 1956, and Prisons Regulations, No. S.148 of 1958.
 Penal Code Ordinance, No. 3 of 1959.
 Essential Services Arbitration Ordinance, No. 9 of 1959.

Northern Rhodesia

The Employment of Natives Ordinance (Cap. 171).
The Native Authority Ordinance (Cap. 157).
The Barotse Native Authority Ordinance (Cap. 159).
The Natural Resources Ordinance (Cap. 239).
The Penal Code (Cap. 6).
The Collective Punishment Ordinance (Cap. 11).

Nyasaland

The Native Authority Ordinance, Cap. 73, the *Laws of Nyasaland* (1917 Edition).
The Penal Code, Cap. 23 (1917 Edition).
Proclamation under the Emergency Powers Orders in Council, 1939 and 1956 (Appendix 51)
(*Nyasaland Gazette*, Supplement of 3 March 1959).
The Emergency Regulations, 1959 (*ibid.*, Supplement of 3 March 1959).
The Emergency (Amendment No. 6) Regulations, 1959 (*ibid.*, Supplement of 12 March 1959).

St. Christopher-Nevis-Anguilla

Merchant Shipping Act, 1894 (United Kingdom).

Legislation of the Leeward Islands :

See under Antigua.

Legislation of St. Christopher-Nevis-Anguilla :

Enactment (Leeward Islands Acts) Ordinance, 1956 (40/1956).

Adaptation of Laws Regulations, 1956 (19/1956).

Prison Rules, 1956 (17/1956).

St. Helena

Interpretation and General Law Ordinance (Cap. 54).

St. Lucia

Prisons Ordinance (No. 79).

Prison Rules (Ch. 19, *Revised Rules and Orders*, 1916).

Seditious Publications Ordinance, 1920 (No. 12 of 1920); as amended (No. 5 of 1938; No. 15 of 1942).

Trade Unions and Trade Disputes Ordinance, 1959 (No. 19 of 1959).

Public Utility Undertakings and Public Health Services Arbitration Ordinance, 1952 (No. 12 of 1952).

Public Order Ordinance, 1952 (No. 10 of 1952).

Merchant Shipping Act, 1894.

Prisons (Extra Mural Sentences) Ordinance, 1950 (No. 17 of 1950).

Criminal Code, 1920.

St. Vincent

Prison Rules, 1945 (No. 39/1945).

Sedition and Undesirable Publications Ordinance, 1939 (No. 20 of 1939), as amended by Ordinances Nos. 17 of 1941 and 11 of 1957.

Public Order Ordinance, 1951 (No. 27 of 1951).

Trade Unions and Trade Disputes Ordinance, 1950 (No. 3 of 1950).

Public Utility Undertakings and Public Health Services Arbitration Ordinance, 1952 (No. 4 of 1952), as amended by Ordinance No. 34 of 1954.

Merchant Shipping Act, 1894.

Summary Conviction Offences Ordinance (Ch. 14).

Sarawak

Penal Code (Cap. 61).

Prisons Ordinance (Cap. 70).

Local Authority Ordinance, 1948.

Criminal Procedure Code (Cap. 62).

Sedition Ordinance (Cap. 64).

Detention of Persons (Special Powers) Ordinance, 1950.

Societies' Ordinance, 1947.
 Merchant Shipping Ordinance, 1960.
 Vagrancy Ordinance (Cap. 66).
 Post Office Ordinance (Cap. 51).
 Native Tax Rules (Cap. 18).
 Trade Unions and Trade Disputes Ordinance, 1947.
 Essential Services Arbitration Ordinance, 1958.
 Local Authority (Provisions of Transport) Regulations, 1949.

Seychelles

Penal Code (Cap. 93 of *Laws of Seychelles*, 1952).
 Prisons Ordinance, 1941, Cap. 178.
 Prison Regulations, Cap. 178.
 Newspaper Ordinance, 1935, Cap. 25.
 Employment of Servants Ordinance, Cap. 107.
 Outlying Islands (Employment of Servants) Ordinance, Cap. 112.
 Trade Union and Trade Disputes Ordinance, Cap. 116.
 Public Utility Undertakings, etc., Ordinance, Cap. 113.
 Local Trading Vessels Ordinance, 1951, Cap. 199.
 Merchant Shipping Act, 1894.

Singapore

Prisons Ordinance (Cap. 99, *Laws of the Colony of Singapore*, 1955).
 State Prisoners Ordinance (Cap. 100).
 Penal Code (Cap. 119).
 Printing Presses Ordinance (Cap. 226), as amended by Ordinance No. 11 of 1960.
 Printing Presses (Application and Permits), Rules (Government Notice (*G.N.*) S.12/1961), as amended by *G.N.* S.78/1961.
 Undesirable Publications Ordinance (Cap. 124), as amended by Ordinances Nos. 31 of 1955, 38 of 1958, 71 of 1959 and 57 of 1960.
 Sedition Ordinance (Cap. 123).
 Societies Ordinance (Cap. 228), as amended by Ordinance No. 37 of 1960.
 Emergency Regulations Ordinance (Cap. 269).
 Preservation of Public Security Ordinance, No. 25 of 1955; as amended by Ordinance No. 65 of 1959.
 Criminal Law (Temporary Provisions) Ordinance, No. 26 of 1955; as amended by Ordinances Nos. 25 of 1958, 34 of 1959, 56 of 1959, 43 of 1960 and 56 of 1960.
 Criminal Justice (Temporary Provisions) Ordinance (Cap. 131), as amended by Ordinances Nos. 24 of 1956 and 4 of 1958; operation extended to 1 April 1962 by *G.N.* S.42/1961.
 Vagrancy Ordinance (Cap. 125).
 Admiralty Transport Ordinance (Cap. 71).
 Post Office Ordinance (Cap. 105).
 Merchant Shipping Ordinance (Cap. 207).
 Trade Disputes Ordinance (Cap. 153), as amended by Ordinance No. 19 of 1960.
 Industrial Relations Ordinance No. 20 of 1960.
 National Service Ordinance (Cap. 82).

Solomon Islands

Sedition Regulation (Cap. 9, *Laws of the British Solomon Islands*, 1948 edition).
 Constabulary Regulation (Cap. 14).
 Prisons Regulation, 1958.
 Prisons (Amendment) Regulation, 1959.
 Labour Regulation, 1960.
 Trade Union and Trade Disputes Regulation, 1946.
 Definition (Native) Regulation (Cap. 26).
 Native Administration Regulation, 1953.
 Native Administration (Amendment) Regulation, 1959.
 Native Tax Regulation (Cap. 32).
 Native Tax (Amendment) Regulation 1958.
 Produce Regulation (Cap. 56).
 Residential Tax Regulation (Cap. 69).
 Seaman Discipline (Admiralty Transport) Regulation (Cap. 89).
 Defence Force Regulation (Cap. 21).

Southern Rhodesia

Federal Legislation :

- Prisons Act, No. 9 of 1955, as amended by Acts Nos. 26 of 1956, 8 of 1957 and 42 of 1959.
- Prison Regulations, No. 42 of 1956, as amended by Regulations Nos. 109 of 1956, 205 of 1959, and 266 of 1959.
- Prisons (Detained Persons) Regulations, No. 64 of 1959, as amended by Regulations No. 184 of 1959.

Southern Rhodesia Legislation :

- Interpretation Act (Cap. 1, 1939 edition of the *Statute Law of Southern Rhodesia*).
- Magistrate Court Act (Cap. 11).
- Criminal Procedure and Evidence Act (Cap. 28).
- Native Affairs Act (Cap. 72), as amended by Acts Nos. 25 of 1948 and 31 of 1959.
- Native Labour Regulations Act (Cap. 86), as amended by Act No. 18 of 1941.
- Masters and Servants Act (Cap. 231), as amended by Act No. 53 of 1959.
- Native Land Husbandry Act, No. 52 of 1951, as amended by Act No. 32 of 1959.
- Natives (Registration and Identification) Act, No. 27 of 1957.
- Industrial Conciliation Act, No. 29 of 1959 (*L.S.*, 1959—S.R.1).
- Unlawful Organisations Act, No. 38 of 1959.
- Preventive Detention Act, No. 39 of 1959.
- Vagrancy Act, No. 40 of 1960.
- Emergency Powers Act, No. 48 of 1960.
- Law and Order (Maintenance) Act, No. 53 of 1960.

Swaziland

- African Labour Proclamation, No. 45 of 1954, as amended in 1956 and 1958.
- Native Administration Proclamation, No. 79 of 1950 (amends and consolidates Cap. 60).
- Crimes Proclamation.
- Prisons Proclamation, Cap. 56, as amended in 1953 and 1957.
- Prisons Regulations, Cap. 56, as amended in 1953, 1954, 1957 and 1959.
- Sedition Proclamation, Cap. 22.
- Master and Servants Law, 1880 (*Laws of the Transvaal*), as amended by Proclamation No. 59 of 1960.
- Transvaal Law No. 1 of 1881 on Vagabondage and Vagrancy.
- Native Land Settlement Proclamation, Cap. 63.
- Native Land Settlement Rules, Cap. 63.
- Trade Union and Trade Disputes Proclamation, Cap. 125.
- Pass Laws (Exemption) Proclamation No. 38 of 1951.
- Liquor Licences Proclamation, 1955.
- Juvenile Offenders Removal and Apprenticeship Ordinance No. 45 of 1903.
- African Tax Proclamation.
- Poll Tax Proclamation, Cap. 78.

Trinidad and Tobago

- Sedition Ordinance (Ch. 16).
- Summary Conviction Offences Ordinance (Ch. 25).
- Prisons Ordinance (Ch. 94).
- Trade Disputes and Protection of Property Ordinance (Ch. 22, No. 11).
- Merchant Shipping Act, 1894.

Uganda

- The Penal Code (Ch. 22 of the *Revised Laws of Uganda*).
- Penal Code (Amendment) Ordinance, 1959.
- Penal Code (Amendment) (No. 2) Ordinance, 1959.
- Penal Code (Amendment) (No. 3) Ordinance, 1959.
- Prisons Ordinance, 1958.
- Employment Ordinance (Cap. 83), as amended.
- Trade Unions Ordinance, 1952.
- Trades Disputes (Arbitration and Settlement) Ordinance (Cap. 90).
- Trades Disputes (Arbitration and Settlement) (Amendment) Ordinance, 1952.
- African Authority Ordinance (Cap. 72).
- African Authority Rules (Cap. 72).
- African Administration Tax Ordinance (Cap. 188).
- District Administration (District Councils) Ordinance, 1955.
- Vagrancy Ordinance (Cap. 47).

Deportation Ordinance (Cap. 46).
Deportation (Amendment) Ordinance, 1956.
Immigration Restriction and Removal of Undesirables Ordinance (Cap. 42).

Virgin Islands

Merchant Shipping Act, 1894 (United Kingdom).

Legislation of the Leeward Islands:

See under Antigua.

Legislation of the Virgin Islands:

Adaptation of Laws Regulations, 1956 (22/1956).

Prison Rules, 1956 (25/1956).

Zanzibar

Forced Labour Decree (Cap. 131).

Prison Decree (Cap. 72) as amended by the Imprisonment Decree No. 7 of 1958.

Penal Decree (Cap. 9).

Deportation Decree (Cap. 42).

Police Decree No. 22 of 1949 (as amended by Decree No. 16 of 1959).

Volunteer Rifle Corps Decree (Cap. 73).

Government Shipping Decree (Cap. 75).

Peace Preservation Decree (Cap. 40).

Emergency Powers Decree No. 18 of 1948 (as amended by Decree No. 8 of 1950).

Emergency (Miscellaneous) Regulations, 1961, and Amendments Nos. 4, 7, and 8 of 1961.

Trade Disputes (Arbitration and Settlement) Decree No. 21 of 1954.

Trade Union Decree No. 21 of 1958.

UNITED STATES

American Samoa

The United States Constitution.

The United States Code:

Title 18 (Crimes and Criminal Procedure).

Title 50 (War and National Defense).

The Constitution of American Samoa.

Guam

The United States Constitution.

The United States Code:

Title 8 (Aliens and Nationality).

Title 18 (Crimes and Criminal Procedure).

Title 46 (Shipping).

Title 48 (Territories and Insular Possessions).

Title 50 (War and National Defense).

Civil and Penal Codes of Guam: 1953.

Government Code of Guam: 1952.

Statutes and Amendments of the Codes:

1951-52 (First Guam Legislature).

Panama Canal Zone

The United States Constitution.

The United States Code:

Title 50 (War and National Defense).

The Canal Zone Code, approved 19 June 1934.

Puerto Rico

The United States Constitution.

The United States Code:

Title 8 (Aliens and Nationality).

Title 18 (Crimes and Criminal Procedure).

Title 48 (Territories and Insular Possessions).

Title 50 (War and National Defense).

The Constitution of the Commonwealth of Puerto Rico, 6 February 1952.
Puerto Rico: Social Legislation, 1944.
Penal Code of Puerto Rico.

Trust Territory of Pacific Islands

The United States Constitution.
The United States Code:
 Title 18 (Crimes and Criminal Procedure).
 Title 48 (Territories and Insular Possessions).
 Title 50 (War and National Defense).
The Code of the Trust Territory.

Virgin Islands

The United States Constitution.
The United States Code:
 Title 8 (Aliens and Nationality).
 Title 18 (Crimes and Criminal Procedure).
 Title 48 (Territories and Insular Possessions).
 Title 50 (War and National Defense).
Virgin Islands Code, effective 1 September 1957.

APPENDIX II

REPORTS REQUESTED AND REPORTS RECEIVED BY 27 MARCH 1962

A. States Members of the I.L.O.

State	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Afghanistan	29, 105	35, 36	4	—	—	—
Albania	105	35, 36	3	—	—	—
Argentina	—	35, 36	2	—	35, 36	2
Australia	—	35, 36	2	—	35, 36	2
Austria	—	35, 36	2	—	—	—
Belgium	105	35, 36	3	—	—	—
Bolivia	29, 105	35, 36	4	29, 105	35, 36	4
Brazil	105	35, 36	3	105	35, 36	3
Bulgaria	105	35, 36	3	105	35, 36	3
Burma	105	35, 36	3	105	35, 56	3
Byelorussia	105	35, 36	3	105	35, 36	3
Cameroun	105	35, 36	3	105	35, 36	3
Canada	29	35, 36	3	29	35, 36	3
Central African Republic	105	35, 36	3	—	—	—
Ceylon	105	35, 36	3	105	35, 36	3
Chad	105	35, 36	3	—	35, 36	2
Chile	105	35, 36	3	105	35, 36	3
China	29	35, 36	3	29	35, 36	3
Colombia	29, 105	35, 36	4	—	—	—
Congo (Brazzaville)	105	35, 36	3	—	—	—
Congo (Leopoldville)	105	35, 36	3	—	—	—
Costa Rica	—	35, 36	2	—	36	1
Cuba	—	35, 36	2	—	35, 36	2
Cyprus	—	35, 36	2	—	35, 36	2
Czechoslovakia	105	35, 36	3	—	—	—
Dahomey	105	35, 36	3	—	—	—
Denmark	—	35, 36	2	—	35, 36	2
Dominican Republic	—	35, 36	2	—	—	—
Ecuador	105	35, 36	3	105	35, 36	3
Ethiopia	29, 105	35, 36	4	—	—	—
Finland	—	35, 36	2	—	35, 36	2
France	105	35, 36	3	—	—	—
Gabon	105	35, 36	3	—	—	—
Germany (Federal Republic)	—	35, 36	2	—	35, 36	2
Ghana	—	35, 36	2	—	35, 36	2
Greece	105	35, 36	3	105	35, 36	3
Guatemala	29	35, 36	3	29	36	2
Guinea	105	35, 36	3	105	35, 36	3
Haiti	—	35, 36	2	—	35, 36	2
Honduras	—	35, 36	2	—	35, 36	2
Hungary	105	35, 36	3	105	35, 36	3
Iceland	105	35, 36	3	—	—	—
India	105	35, 36	3	105	35, 36	3
Indonesia	105	35, 36	3	—	—	—
Iran	—	35, 36	2	—	35, 36	2
Iraq	29	35, 36	3	29	35, 36	3
Ireland	—	35, 36	2	—	35, 36	2
Israel	—	35, 36	2	—	35, 36	2
Italy	105	35, 36	3	105	35, 36	3

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State	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Ivory Coast	105	35, 36	3	105	35, 36	3
Japan	105	35, 36	3	105	35, 36	3
Jordan	29	35, 36	3	—	—	—
Kuwait	29, 105	35, 36	4	—	—	—
Lebanon	29, 105	35, 36	4	—	—	—
Liberia	105	35, 36	3	—	—	—
Libya	—	35, 36	2	—	—	—
Luxembourg	29, 105	35, 36	4	29, 105	35, 36	4
Malagasy Republic	105	35, 36	3	—	—	—
Malaya	—	35, 36	2	—	35, 36	2
Republic of Mali	105	35, 36	3	105	—	1
Islamic Republic of Mauritania	105	35, 36	3	105	35, 36	3
Mexico	—	35, 36	2	—	35, 36	2
Morocco	105	35, 36	3	105	35, 36	3
Netherlands	—	35, 36	2	—	35, 36	2
New Zealand	105	35, 36	3	105	35, 36	3
Nicaragua	105	35, 36	3	—	—	—
Niger	105	35, 36	3	105	35, 36	3
Nigeria	—	35, 36	2	—	35, 36	2
Norway	—	35, 36	2	—	35, 36	2
Pakistan	—	35, 36	2	—	35, 36	2
Panama	29, 105	35, 36	4	—	—	—
Paraguay	29, 105	35, 36	4	—	—	—
Peru	105	35, 36	3	105	35, 36	3
Philippines	29	35, 36	3	29	—	1
Poland	—	35, 36	2	—	35, 36	2
Portugal	—	35, 36	2	—	35, 36	2
Rumania	105	35, 36	3	105	35, 36	3
El Salvador	29	35, 36	3	—	—	—
Senegal	105	35, 36	3	105	35, 36	3
Sierra Leone	—	35, 36	2	—	35	1
Somali Republic	105	35, 36	3	—	—	—
Former British Somaliland	29	35, 36	3	—	—	—
Spain	105	35, 36	3	105	35, 36	3
Sudan	105	35, 36	3	—	—	—
Sweden	—	35, 36	2	—	35, 36	2
Switzerland	—	35, 36	2	—	35, 36	2
Tanganyika	—	35, 36	2	—	35, 36	2
Thailand	29, 105	35, 36	4	—	—	—
Togo	105	35, 36	3	—	—	—
Tunisia	29	35, 36	3	29	35, 36	3
Turkey	29	35, 36	3	29	35, 36	3
Ukraine	105	35, 36	3	105	35, 36	3
Republic of South Africa	29, 105	35, 36	4	29, 105	35, 36	4
U.S.S.R.	105	35, 36	3	105	35, 36	3
United Arab Republic	—	35, 36	2	—	—	—
United Kingdom	—	35, 36	2	—	35, 36	2
United States	29, 105	35, 36	4	29, 105	35, 36	4
Upper Volta	105	35, 36	3	105	35, 36	3
Uruguay	29, 105	35, 36	4	105	35, 36	3
Venezuela	105	35, 36	3	—	—	—
Viet-Nam	105	35, 36	3	105	35, 36	3
Yugoslavia	105	35, 36	3	105	35, 36	3
<i>State not a Member of the I.L.O.</i>						
Western Samoa	105	35, 36	3	105	35, 36	3
Total	23, 62	103, 103	291	11, 35	66, 67	179

B. Non-Metropolitan Territories

Country and territory	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Australia:						
Nauru	—	35, 36	2	—	35, 36	2
New Guinea	—	35, 36	2	—	35, 36	2
Norfolk Island	—	35, 36	2	—	35, 36	2
Papua	—	35, 36	2	—	35, 36	2
Belgium:						
Ruanda-Urundi	105	35, 36	3	—	—	—
Denmark:						
Faroe Islands	—	35, 36	2	—	—	—
Greenland	—	35, 36	2	—	35	1
France:						
Algeria	105	35, 36	3	—	—	—
Comoro Islands	105	35, 36	3	—	—	—
French Guiana	105	35, 36	3	—	—	—
French Polynesia	105	35, 36	3	—	—	—
French Somaliland	105	35, 36	3	—	—	—
Guadeloupe	105	35, 36	3	—	—	—
Martinique	105	35, 36	3	—	—	—
New Caledonia	105	35, 36	3	—	—	—
Réunion	105	35, 36	3	—	—	—
St. Pierre and Miquelon	105	35, 36	3	—	—	—
Netherlands:						
Netherlands Antilles	—	35, 36	2	—	35, 36	2
Netherlands New Guinea	—	35, 36	2	—	35, 36	2
Surinam	—	35, 36	2	—	35, 36	2
New Zealand:						
Cook Islands and Niue	105	35, 36	3	105	35, 36	3
Tokelau	105	35, 36	3	105	35, 36	3
Spain:						
Spanish Guinea	105	35, 36	3	—	—	—
Spanish West Africa	105	35, 36	3	—	—	—
Republic of South Africa:						
South West Africa	29, 105	35, 36	4	29, 105	35, 36	4
United Kingdom:						
Aden	—	35, 36	2	—	35, 36	2
Antigua	—	35, 36	2	—	35, 36	2
Bahamas	—	35, 36	2	—	35, 36	2
Barbados	—	35, 36	2	—	35, 36	2
Basutoland	—	35, 36	2	—	—	—
Bechuanaland	—	35, 36	2	—	35, 36	2
Bermuda	—	35, 36	2	—	35, 36	2
British Guiana	—	35, 36	2	—	35, 36	2

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Country and territory	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
United Kingdom (<i>contd.</i>)						
British Honduras	—	35, 36	2	—	35, 36	2
British Virgin Islands	—	35, 36	2	—	—	—
Brunei	—	35, 36	2	—	35, 36	2
Dominica	—	35, 36	2	—	35, 36	2
Falkland Islands	—	35, 36	2	—	35, 36	2
Fiji	—	35, 36	2	—	35, 36	2
Gambia	—	35, 36	2	—	35, 36	2
Gibraltar	—	35, 36	2	—	35, 36	2
Gilbert and Ellice Islands	—	35, 36	2	—	35, 36	2
Grenada	—	35, 36	2	—	35, 36	2
Guernsey	—	35, 36	2	—	35, 36	2
Hong Kong	—	35, 36	2	—	35, 36	2
Jamaica	—	35, 36	2	—	35, 36	2
Jersey	—	35, 36	2	—	35, 36	2
Kenya	—	35, 36	2	—	35, 36	2
Malta	—	35, 36	2	—	35, 36	2
Isle of Man	—	35, 36	2	—	35, 36	2
Mauritius	—	35, 36	2	—	35, 36	2
Montserrat	—	35, 36	2	—	35, 36	2
North Borneo	—	35, 36	2	—	35, 36	2
Northern Rhodesia	—	35, 36	2	—	35, 36	2
Nyasaland	—	35, 36	2	—	35, 36	2
St. Christopher, Nevis and Anguilla	—	35, 36	2	—	35, 36	2
St. Helena	—	35, 36	2	—	35, 36	2
St. Lucia	—	35, 36	2	—	35, 36	2
St. Vincent	—	35, 36	2	—	35, 36	2
Sarawak	—	35, 36	2	—	35, 36	2
Seychelles	—	35, 36	2	—	—	—
Singapore	—	35, 36	2	—	35, 36	2
Solomon Islands	—	35, 36	2	—	35, 36	2
Southern Rhodesia	—	35, 36	2	—	35, 36	2
Swaziland	—	35, 36	2	—	35, 36	2
Trinidad and Tobago	—	35, 36	2	—	35, 36	2
Uganda	—	35, 36	2	—	35, 36	2
Zanzibar	—	35, 36	2	—	35, 36	2
United States:						
American Samoa	29, 105	35, 36	4	29, 105	35, 36	4
Guam	29, 105	35, 36	4	29, 105	35, 36	4
Panama Canal Zone	29, 105	35, 36	4	29, 105	35, 36	4
Trust Territory of Pacific Islands	29, 105	35, 36	4	29, 105	35, 36	4
Puerto Rico	29, 105	35, 36	4	29, 105	35, 36	4
Virgin Islands	29, 105	35, 36	4	29, 105	35, 36	4
Total . . .	7, 22	74, 74	177	7, 9	57, 56	129