

**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**  
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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 <sup>1</sup>;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories; <sup>1</sup>
- (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 <sup>2</sup>;
- (d) reports from governments under article 19 of the Constitution on unratified Conventions and on Recommendations, selected by the Governing Body.<sup>3</sup>

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

<sup>1</sup> I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (Part I), to the 50th Session of the International Labour Conference (Geneva, 1966).

<sup>2</sup> 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.

<sup>3</sup> 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).<sup>1</sup> 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.<sup>2</sup>

### **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.<sup>3</sup> 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

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<sup>1</sup> The report of this Commission is published in the *Official Bulletin* of the International Labour Office, Vol. XLV, No. 2, Apr. 1962, Supplement II.

<sup>2</sup> See the Special Report at the end of this volume.

<sup>3</sup> 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.<sup>1</sup> 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.<sup>2</sup> 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.

<sup>1</sup> The figures regarding the supply of reports on the application of ratified Conventions in non-metropolitan territories are given in paragraph 38 below.

<sup>2</sup> 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.<sup>1</sup> 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.<sup>2</sup> 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-

<sup>1</sup> 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).

<sup>2</sup> 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).

# GENERAL REPORT

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 survey<sup>1</sup> 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).

<sup>1</sup> 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.

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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.<sup>1</sup>

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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.*

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<sup>1</sup> 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.<sup>1</sup>

*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:

<sup>1</sup> 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 Convention<sup>1</sup>), 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

<sup>1</sup> 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.<sup>1</sup> 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.<sup>2</sup>

*Austria* (ratification: 1924). See under Convention No. 89.<sup>2</sup>

*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.

<sup>1</sup> See *Report of the Committee of Experts*, op. cit., Part Three, para. 200.

<sup>2</sup> 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.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Guinea, Tanzania (Zanzibar)*.

\* \* \*

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.

\* \* \*

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.

\* \* \*

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.

\* \* \*

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.<sup>1</sup>

*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.

<sup>1</sup> 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.

\* \* \*

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.<sup>1</sup>

*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-

<sup>1</sup> 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.

\* \* \*

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.

\* \* \*

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).

\* \* \*

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.<sup>1</sup>

*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).

<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

*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).

<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

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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.

<sup>1</sup> 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.<sup>1</sup>

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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,

<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

*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.<sup>2</sup>

*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

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1966.

<sup>2</sup> 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.

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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.

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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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

#### 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.

<sup>1</sup> 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.*

\* \* \*

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.<sup>1</sup>

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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;

<sup>1</sup> 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.

\* \* \*

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.

\* \* \*

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.

\* \* \*

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.<sup>1</sup>

\* \* \*

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.

<sup>1</sup> 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.

\* \* \*

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.

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#### **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.<sup>1</sup>

*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.<sup>1</sup>

\* \* \*

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.

<sup>1</sup> 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.

\* \* \*

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.

\* \* \*

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.<sup>1</sup>

*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.

<sup>1</sup> 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.<sup>1</sup>

*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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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.

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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.*<sup>1</sup> 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.

<sup>1</sup> 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.<sup>1</sup>

*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.<sup>1</sup>

*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.

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<sup>1</sup> 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.<sup>1</sup>

*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.<sup>2</sup>

*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.<sup>2</sup>

*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

<sup>1</sup> 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.

<sup>2</sup> 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.<sup>1</sup>

*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.

<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

*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.<sup>2</sup>

*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.<sup>2</sup>

*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.

<sup>1</sup> 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.

<sup>2</sup> 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.<sup>1</sup>

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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.<sup>2</sup>

*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.

<sup>1</sup> The Government is asked to report in detail for the period ending 30 June 1966.

<sup>2</sup> 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.<sup>1</sup>

*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.<sup>1</sup>

*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.

<sup>1</sup> 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.<sup>1</sup>

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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;

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<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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).<sup>1</sup>

<sup>1</sup> 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.<sup>1</sup>

*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.

<sup>1</sup> 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.

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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.<sup>1</sup>

*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.*

<sup>1</sup> 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).<sup>1</sup>

*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.<sup>1</sup>

*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.

<sup>1</sup> 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.<sup>1</sup>

\* \* \*

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.

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<sup>1</sup> 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.<sup>1</sup>

*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.

<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

\* \* \*

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.

<sup>1</sup> 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 <sup>1</sup> .	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).

<sup>1</sup> 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 <sup>1</sup>		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	— <sup>2</sup>	—
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 <sup>3</sup>	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 <sup>4</sup>	200	20.4	864	86.8	902	90.6
1958-1960	1,100 <sup>4</sup>	256	23.2	838	76.1	963	87.4
1959-1961	1,362 <sup>4</sup>	243	18.1	1,090	80.0	1,142	83.8
1960-1962	1,309 <sup>4</sup>	200	15.5	1,059	80.9	1,121	85.6
1961-1963	1,624 <sup>4</sup>	280	17.2	1,314	80.9	1,430	88.0
1962-1964	1,495 <sup>4</sup>	213	14.2	1,268	84.8	1,356	90.7
1963-1965	1,700 <sup>4</sup>	282	16.6	1,444	84.9	—	—

<sup>1</sup> 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. <sup>2</sup> The Conference did not meet in 1940.

<sup>3</sup> First year for which this figure is available. <sup>4</sup> 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.<sup>1</sup>

*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.<sup>1</sup>

<sup>1</sup> 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.<sup>1</sup>

**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:

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<sup>1</sup> 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.<sup>1</sup>

### **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.

<sup>1</sup> 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.<sup>1</sup>

<sup>1</sup> 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.<sup>1</sup>

*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

<sup>1</sup> 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.<sup>1</sup>

*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.

<sup>1</sup> 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.<sup>1</sup>

\* \* \*

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).

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<sup>1</sup> 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 <sup>1</sup> (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 <sup>1</sup> (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 <sup>1</sup> (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 <sup>1</sup> (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 <sup>3</sup> . . . . .	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 <sup>3</sup> . . . . .	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

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Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (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 <sup>1</sup> (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 <sup>3</sup> . . .	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 <sup>3</sup> . . . . .	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). <sup>1</sup> Source: United Nations: *Demographic Year Book*, 1964. <sup>2</sup> 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). <sup>3</sup> 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 RECOMMENDA-  
TIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES**

	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 1955)	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	— <sup>1</sup>	4	3	1	— <sup>1</sup>	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

<sup>1</sup> 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	—	— <sup>1</sup>	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

<sup>1</sup> 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 Malaya<sup>1</sup>, 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 States<sup>2</sup>, to which the Committee wishes to express its thanks, replied to the

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<sup>1</sup> Before the creation of Malaysia.

<sup>2</sup> 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.<sup>1</sup> 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.

<sup>1</sup> 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.<sup>1</sup>

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 States<sup>2</sup> the Constitution sets out in a more or less

<sup>1</sup> *Constitutional Questions*, op. cit., p. 177 and ff.

<sup>2</sup> 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 States<sup>1</sup> 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 Constitution<sup>2</sup> 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.

<sup>1</sup> 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).

<sup>2</sup> Austria: article 10, paragraph 11, and article 12, paragraph 4, of the Constitution.



22. In Switzerland, under the Constitution <sup>1</sup>, 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 <sup>2</sup> 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 <sup>3</sup>, 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

<sup>1</sup> Article 34B of the Constitution.

<sup>2</sup> Brazil, Burma and Pakistan.

<sup>3</sup> 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.<sup>1</sup> Again, while submitting to the House of Commons the

<sup>1</sup> *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.<sup>1</sup>

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

<sup>1</sup> *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.<sup>1</sup>

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.

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<sup>1</sup> 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.<sup>1</sup>

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.<sup>2</sup>

5. A resolution, to the same effect, was adopted at Zürich in 1897 by an international congress for the protection of labour.<sup>3</sup>

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”.<sup>4</sup>

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.

<sup>1</sup> See International Labour Office (Basle): *L'Inspection du travail en Europe* (Librairie Berger-Levrault, Paris, 1910), pp. 1 ff.

<sup>2</sup> *Ibid.*, page IV of the introductory report.

<sup>3</sup> *Congrès international pour la protection ouvrière*, Zürich, 1897, p. 245.

<sup>4</sup> 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.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup>

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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.<sup>1</sup>

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).<sup>2</sup>

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.<sup>3</sup>

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.<sup>4</sup>

19. Lastly, there are some international labour Conventions which contain provisions establishing a suitable system of inspection and supervision to ensure their application.<sup>5</sup>

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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).

<sup>5</sup> 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 States<sup>1</sup> and declared applicable without modification to 18 non-metropolitan territories.<sup>2</sup>

REPORTS RECEIVED<sup>3</sup>

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 Members<sup>4</sup> and on behalf of four non-metropolitan territories.<sup>5</sup> Reports relating to the Labour Inspection Recommendation, 1947 (No. 81), have been submitted by 88 States Members<sup>6</sup> and on behalf of 33 non-metropolitan territories.<sup>7</sup> In connection with the Inspection of Labour (Mining and Transport) Recommendation, 1947

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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).

<sup>5</sup> Australia (Nauru, New Guinea, Norfolk Island, Papua).

<sup>6</sup> 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.

<sup>7</sup> 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 <sup>1</sup> and 33 on behalf of non-metropolitan territories.<sup>2</sup>

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

<sup>1</sup> 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.

<sup>2</sup> 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.

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## 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.<sup>1</sup>

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.<sup>2</sup>

31. The measures adopted for the organisation of labour inspection services appear in many countries<sup>3</sup> in the form of general texts, such as labour codes or

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<sup>1</sup> With regard to commercial workplaces, any Member ratifying the Convention may, by a declaration, exclude them from ratification (Article 25 (1) of the Convention).

<sup>2</sup> 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.

<sup>3</sup> 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.<sup>1</sup> 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.<sup>2</sup> In other countries<sup>3</sup> 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 countries<sup>4</sup> 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)).

<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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

<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> 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 States<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> In other cases<sup>4</sup> 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 case<sup>5</sup> it seems that the commercial sector is entirely outside the competence of the labour inspection service.

<sup>1</sup> Cameroon (Western Cameroon), China, Cyprus, India, Ireland, Jamaica, Malta, New Zealand, Nigeria, Sierra Leone, Switzerland, Tanzania (Tanganyika), Uganda and United Kingdom.

<sup>2</sup> 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.

<sup>3</sup> 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).

<sup>4</sup> 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).

<sup>5</sup> 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) <sup>1</sup> the role of labour inspection in commerce is generally confined to supervising the application of the laws or regulations concerning wages. In Cyprus <sup>2</sup> and Ireland <sup>3</sup> 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.<sup>4</sup>

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<sup>1</sup> Tanzania (Tanganyika) (government report for the period 1957-58).

<sup>2</sup> Cyprus (government report, 1957-58).

<sup>3</sup> Ireland (government report, 1959-61), Office Premises Act, 1958.

<sup>4</sup> 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.<sup>1</sup>

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 countries<sup>2</sup> 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-

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<sup>1</sup> 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.)

<sup>2</sup> 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



tries<sup>1</sup> 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 Zealand<sup>2</sup>, 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.<sup>3</sup>

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).

<sup>1</sup> 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.).

<sup>2</sup> 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.

<sup>3</sup> 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 Germany<sup>1</sup> and Sweden<sup>2</sup>, 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 countries<sup>3</sup>, 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 countries<sup>4</sup> 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 Italy<sup>5</sup> only where the undertaking employs more than three workers, and in

<sup>1</sup> Federal Republic of Germany (government report on the application of the Convention for the period 1950-51).

<sup>2</sup> Sweden (government report, 1956-57); it is the same in Hong Kong (government report 1961-63).

<sup>3</sup> 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).

<sup>4</sup> 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).

<sup>5</sup> 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).

Norway<sup>1</sup> 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 States<sup>2</sup> 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.<sup>3</sup> In some cases only industrial accidents must be notified to the labour inspectorate.<sup>4</sup> 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.<sup>5</sup>

<sup>1</sup> 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).

<sup>2</sup> Guatemala, Luxembourg, Rwanda.

<sup>3</sup> 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).

<sup>4</sup> 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).

<sup>5</sup> 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 governments<sup>1</sup> 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 countries<sup>2</sup>, the general labour inspectorate, the mines inspectorate and the transport inspectorate are different services depending on different central authorities. In Belgium<sup>3</sup> 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-

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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).

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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 <sup>1</sup>, approved private bodies responsible for the technical supervision of some kinds of plant <sup>2</sup>, public health services <sup>3</sup> and the social security institutions.<sup>4</sup>

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.

<sup>1</sup> 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).

<sup>2</sup> France (collaboration with private bodies responsible for fire prevention and the supervision of pressure vessels, hoisting appliances or electrical equipment and wiring).

<sup>3</sup> 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).

<sup>4</sup> 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 <sup>1</sup> 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.<sup>2</sup>

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 <sup>3</sup> 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.<sup>4</sup> The committee's minutes and its reports on industrial accidents are entered in a register kept at the disposal of the labour inspectors <sup>5</sup>, who may ask the committee for any information they need in order to discharge their duties.<sup>6</sup>

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.

<sup>1</sup> 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.

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> Belgium (General Regulations for the Protection of Workers, dated 11 February 1946, as amended); Philippines (government report).

<sup>5</sup> France (Decree of 1 August 1947).

<sup>6</sup> 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.<sup>1</sup> The labour inspection services may be called upon to supervise the payment of employers' contributions to safety or social insurance schemes.<sup>2</sup> 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.<sup>3</sup> Lastly, some governments report that the inspectors take part in the work of various administrative committees.<sup>4</sup>

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> 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.<sup>1</sup>

79. In some countries <sup>2</sup> 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 <sup>3</sup> the intervention of the inspection services in industrial disputes requires prior authorisation by the Ministry of Labour. In other countries <sup>4</sup>, 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.

<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> Netherlands (government report and section 5 of the Royal Order of 23 August 1920).

<sup>4</sup> 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.

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## 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 Luxembourg<sup>1</sup> 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 Greece<sup>2</sup>, 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 countries<sup>3</sup> the labour inspection system does not consist of a single body but has a main service responsible for inspecting most branches of employment,

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<sup>1</sup> Luxembourg (sections 1 and 4 of the Decree of 26 March 1945).

<sup>2</sup> Greece (section 1 (1) of Ordinance No. 2954 of 14 August 1954 and previous government reports).

<sup>3</sup> 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 inspectorate<sup>1</sup>, while in the other, the criterion may be the nature of the inspection, e.g. social, medical and chemical, or technical.<sup>2</sup>

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 Europe<sup>3</sup>, the trade unions are largely responsible for labour inspection and their central bodies exercise general supervision over the inspection

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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.<sup>1</sup>

### *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 countries<sup>2</sup> 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.<sup>3</sup> With the apparent exception of Austria<sup>4</sup> and Cameroon, where inspection services are the responsibility of the central government, in other federal States<sup>5</sup>, whether or not they are bound by the Convention, the inspectorate is the responsibility both of the central government and of the state governments.

<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> Argentina, Austria, Brazil, Cameroon (West Cameroon), Federal Republic of Germany, India, Malaysia, Nigeria, Pakistan, Switzerland and Yugoslavia.

<sup>4</sup> Austria (except for agricultural and forestry workers).

<sup>5</sup> 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.<sup>1</sup> 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.<sup>2</sup>

#### 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.<sup>3</sup> Moreover, a special statute for labour inspection staff issued pursuant to the general civil service regulations, may lay down conditions of service.<sup>4</sup>

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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.

<sup>4</sup> For example, France, Luxembourg, Malagasy Republic, Senegal, Spain, Tunisia.

99. Some governments considered that the provisions of Article 6 of the Convention hinder ratification.<sup>1</sup> 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.<sup>2</sup> Civil service status is no doubt the most likely to meet this requirement, but other formulas have also been regarded as satisfactory.<sup>3</sup>

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".<sup>4</sup> 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.<sup>5</sup>

<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> 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).

<sup>4</sup> Report of the Committee of Experts, 1957, p. 160.

<sup>5</sup> 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.<sup>1</sup> Labour inspectors' promotion and their careers in the inspectorate should be based on objective criteria.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> There are generally both written and oral examinations on subjects connected with inspection duties.<sup>5</sup> 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 production<sup>6</sup> may be appointed labour inspector.

<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> 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."

<sup>4</sup> 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.

<sup>5</sup> 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).

<sup>6</sup> 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.<sup>1</sup>

### *Training.*

107. Paragraph 3 of Article 7 of the Convention stipulates that labour inspectors must be adequately trained for the performance of their duties.<sup>2</sup> 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 governments<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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.

<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> For example: Belgium, Dominican Republic, Finland, Ghana, Israel, Sierra Leone, Sweden, Switzerland, United Kingdom.

<sup>4</sup> 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.

<sup>5</sup> 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."<sup>1</sup>

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.<sup>2</sup>

112. Absolute exclusion of women from labour inspectorates is exceptional.<sup>3</sup> However, they may be excluded from certain branches, such as mines or some heavy industries, on grounds of lack of physical aptitude<sup>4</sup>, or only constitute a limited percentage of the total inspection staff.<sup>5</sup>

### *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

<sup>1</sup> 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."

<sup>2</sup> 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)).

<sup>3</sup> 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).

<sup>4</sup> 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)).

<sup>5</sup> 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.<sup>1</sup> 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.<sup>2</sup> In certain circumstances they may be promoted to the rank of inspector.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup>

117. A third category of personnel associated in inspection, but in the undertaking itself, is that of the worker safety delegates.<sup>6</sup> National legislation generally

<sup>1</sup> 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.

<sup>2</sup> 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."

<sup>3</sup> 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).

<sup>4</sup> 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)).

<sup>5</sup> 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).

<sup>6</sup> 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.

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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 countries<sup>1</sup> 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-

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<sup>1</sup> 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 provisions<sup>1</sup>, or inferring it from the general terms of reference authorising inspectors to enter workplaces freely.<sup>2</sup> Legislative provisions obliging labour inspectors to notify the employer of their visit seem to constitute an exception.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup>

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

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> See para. 37.

<sup>5</sup> 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.<sup>1</sup> 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 countries<sup>2</sup> 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.<sup>3</sup> Nevertheless the legislation of several countries<sup>4</sup> contains a restrictive clause of this type, which some governments have admitted is incompatible with the Convention. In other countries<sup>5</sup> inspection is authorised only during regular working hours or while the undertaking is functioning.

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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.)

<sup>4</sup> 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).

<sup>5</sup> 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.<sup>1</sup> 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.<sup>2</sup>

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.

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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).

<sup>1</sup> 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).

<sup>2</sup> 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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

*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

<sup>1</sup> 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).

<sup>2</sup> Portugal (section 8 (2) and (3) of Legislative Decree No. 37245 of 27 December 1948).

<sup>3</sup> 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).

<sup>4</sup> Turkey (section 98, para. 1, of the Labour Code).

<sup>5</sup> 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 <sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

#### *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.<sup>4</sup>

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

<sup>1</sup> 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).

<sup>2</sup> Cameroon (Eastern Cameroon), Central African Republic, Chad, Dahomey, Denmark, Finland, Gabon, Jordan, Mali, Peru, Senegal, Switzerland, Togo, Upper Volta.

<sup>3</sup> 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).

<sup>4</sup> 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<sup>1</sup> 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.<sup>2</sup>

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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.<sup>3</sup>

#### 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,

<sup>1</sup> 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<sup>o</sup>) (c) of the Dahir of 2 July 1947); Niger (section 151 (e) (3<sup>o</sup>) 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).

<sup>2</sup> Italy, Malaysia (Malay States), Nigeria, Panama, Syrian Arab Republic.

<sup>3</sup> 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.<sup>1</sup> As regards its form, the legislation generally requires formal notice to be given in writing.<sup>2</sup> In countries<sup>3</sup> 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.<sup>4</sup>

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

<sup>1</sup> 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).

<sup>2</sup> Finland, Sweden, Yugoslavia (same references as above).

<sup>3</sup> 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.

<sup>4</sup> 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.<sup>1</sup>

### *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.<sup>2</sup> The time-limit for registering an appeal varies in different countries: for instance, the time-limit may be 48 hours<sup>3</sup> or three weeks<sup>4</sup> 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.<sup>5</sup>

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 countries<sup>6</sup> 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.<sup>7</sup> Where it is not, it would be well to introduce precise legislative provisions to this effect.

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> Luxembourg (section 18, para. 2, of the Order of 26 March 1945).

<sup>4</sup> Denmark (section 56 (1) of Act No. 226 of 11 June 1954).

<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> 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.<sup>1</sup> The measures which these authorities may take must however have immediate executory force when there is imminent danger to workers' health or safety.<sup>2</sup> 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.

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<sup>1</sup> 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).

<sup>2</sup> 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.<sup>1</sup> 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 role<sup>2</sup>, 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

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<sup>1</sup> 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).

<sup>2</sup> 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.<sup>1</sup> Government reports show that this is also the case in several other countries.<sup>2</sup> 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.<sup>3</sup>

#### 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.<sup>4</sup> In other countries the decision is taken by the inspector's superior office or by other authorities.<sup>5</sup> In either case, the labour inspectorate must be kept informed of action taken on its reports or complaints.<sup>6</sup>

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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.)

<sup>4</sup> 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).

<sup>5</sup> 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).

<sup>6</sup> 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 imprisonment<sup>1</sup>, or both.<sup>2</sup>

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.<sup>3</sup>

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.

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<sup>1</sup> 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).

<sup>2</sup> Luxembourg (section 25 of the Order of 26 March 1945); Malagasy Republic (section 138 of the Labour Code).

<sup>3</sup> 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.<sup>1</sup>

163. Elsewhere, the principle of the detachment of labour inspectors is normally embodied in national law.<sup>2</sup> Many countries<sup>3</sup> have adopted the formula contained in the Convention or a similar one, without specifying how the rule that labour inspec-

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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.<sup>1</sup> Even the fact of having an interest in a patent used in an undertaking may constitute grounds for incompatibility.<sup>2</sup> The same applies to an interest held through some other person, for example a spouse or certain other relatives.<sup>3</sup> 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.<sup>4</sup>

### *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"<sup>5</sup>, with "courage, impartiality and detachment"<sup>6</sup>, or "faithfully and well".<sup>7</sup>

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.<sup>8</sup> Similar provisions exist in New Zealand.<sup>9</sup>

### *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

<sup>1</sup> 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).

<sup>2</sup> India (section 8 (3) of the Factories Act, 1948).

<sup>3</sup> Luxembourg (section 9 of the Grand Ducal Order of 26 March 1945).

<sup>4</sup> Philippines (Labour Inspection Manual, reference 4513 (3)).

<sup>5</sup> Syrian Arab Republic (section 3 of Order No. 465 of 1965).

<sup>6</sup> Haiti (section 506 of the Labour Code).

<sup>7</sup> Niger (section 148 of the Labour Code): the same provisions appear in the Labour Codes of most former French overseas territories.

<sup>8</sup> Cyprus (Colonial Regulations 45 (1) and (2)).

<sup>9</sup> 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.<sup>1</sup> The challenge procedure in Finland is based on much the same principle.<sup>2</sup>

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.<sup>3</sup> It is suspended more generally where there is no cause to fear prejudice to the inspection service.<sup>4</sup>

#### 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 countries<sup>5</sup> 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.<sup>6</sup> 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

<sup>1</sup> India (section 8 (3) of the Factories Act, 1948).

<sup>2</sup> 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).

<sup>3</sup> Italy (Council of Europe; Social Committee, op. cit., p. 57).

<sup>4</sup> Norway (section 60 (1) of Act No. 2 of 7 December 1956); Sweden (paragraph 11 of the Directives of 18 June 1949).

<sup>5</sup> 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).

<sup>6</sup> 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.<sup>1</sup> In Finland a labour inspector may not seek to obtain information on the financial situation of the owner of an undertaking.<sup>2</sup>

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.<sup>3</sup>

### *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.<sup>4</sup>

174. Governments which feel that provisions relating to secrecy are not suitable for incorporation in laws or regulations (contrary to certain governments<sup>5</sup>) may follow the example of some other countries<sup>6</sup> 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.<sup>7</sup>

<sup>1</sup> Denmark (section 53 (3) of Act No. 226 of 11 June 1954).

<sup>2</sup> Finland (section 11, para. 1, *in fine* of the Act of 4 March 1927).

<sup>3</sup> 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).

<sup>4</sup> Direct requests were made in 1964 or 1965 concerning, for example, Algeria, China, Ghana, Kenya, Luxembourg, Panama and the Solomon Islands.

<sup>5</sup> 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).

<sup>6</sup> 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").

<sup>7</sup> 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.<sup>1</sup>

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 countries<sup>2</sup> 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.

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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.

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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.

<sup>1</sup> 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.

<sup>2</sup> 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 countries<sup>1</sup> 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

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<sup>1</sup> 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.<sup>1</sup>

185. In Asia the situation can be compared in some respects to that of Africa and Latin America.<sup>2</sup>

186. Even the highly industrialised countries of Europe suffer from a certain shortage of labour inspection staff.<sup>3</sup>

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.<sup>4</sup>

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> 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.<sup>1</sup>

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.<sup>2</sup> The intervals are shorter in the

<sup>1</sup> 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).

<sup>2</sup> 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> There should also be a visit within a reasonable time of the introduction of new provisions into the labour legislation.<sup>4</sup>

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.<sup>5</sup>

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.<sup>6</sup>

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<sup>1</sup> 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).

<sup>2</sup> 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)).

<sup>3</sup> 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.

<sup>4</sup> Brazil (section 18 (1) of the Regulations of 15 March 1965).

<sup>5</sup> Op. cit.

<sup>6</sup> 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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>1</sup> Such reports, if they exist, have not at any rate been communicated to the Office. In other countries<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

<sup>1</sup> Algeria, Brazil, China, Cuba, Guatemala, Guinea, Kuwait, Lebanon, Mali, Mauritania, Panama, Peru, Syrian Arab Republic, United Arab Republic.

<sup>2</sup> 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).

<sup>3</sup> 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.

<sup>4</sup> 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.

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## 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.<sup>1</sup>

#### 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,

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<sup>1</sup> 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 unions<sup>1</sup>, while in the U.S.S.R. the situation would seem to be reversed.<sup>2</sup>

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 seen<sup>3</sup>, 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-

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> See paras. 99 and 100.

pect. However, other formulas offering the same guarantees have been regarded as satisfactory.<sup>1</sup>

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.<sup>2</sup>

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

<sup>1</sup> 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.

<sup>2</sup> 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.<sup>1</sup> 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 countries<sup>2</sup> 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 governments<sup>3</sup> 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 country<sup>4</sup> 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.

<sup>1</sup> 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.

<sup>2</sup> Finland, Ghana, Ireland, Italy, Kenya, Luxembourg, Senegal, Switzerland.

<sup>3</sup> Burundi, Cameroon (Eastern Cameroon), Ethiopia, Libya, Philippines, Zambia.

<sup>4</sup> 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.<sup>1</sup>

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<sup>1</sup> 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.*<sup>1</sup> 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).

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<sup>1</sup> *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.<sup>1</sup>  
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.

<sup>1</sup> 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 368<sup>1</sup>-368<sup>4</sup>).

## 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 Presidium 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 (*Vedemosti 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 *Vedemosti 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 <sup>1</sup> . . . . .	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

<sup>1</sup> 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).